

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
MAY 15, 2007

1. Call to Order: Mayor Pro-Tempore Joe Kusar, Presiding Officer called to order the regular meeting of the Perry City Council held May 15, 2007 at 6:00 p.m.

2. Roll.

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

Elected Officials Absent: Mayor James Worrall and Council Member Brian Bowen.

Staff Members/Guests/Press: Departmental Staff: City Manager Lee Gilmour. City Attorney David Walker. City Departmental Staff: Directors, Brenda King - Administration, Rick Kilgore - Parks/Recreation and George Potter - Public Safety. Department Staff: Willie King, Sanitation Supervisor, Steve Howard, Chief Building Official and Harold Deal, Assistant City Engineer. Other: Recording Secretary Laura Loewen. Guests: Kevin Sullivan, Kim Mullins and Kelly Edward Waters. Press: Natasha Smith - Macon Telegraph and Charlotte Perkins - The 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. Willie Thornton - Sanitation Supervisor: Willie Thornton - Sanitation Supervisor gave a report of the Clean up Perry event held in Perry, April 4 - 9, 2007. Mr. Thornton advised that 467 tires were collected, 400 gallons of paint - they are not putting this in landfill, 300 tons of trees/limbs and 118 tons of bulk waste - 53 boxes of glass/cans were collected during the period in April. City Manager praised Mr. Thornton, his staff, and Clean Community volunteers for their efforts in getting the word out in the community.

5. Citizens with Input: None at this time in the meeting.

6. PUBLIC HEARING - DISCLOSURE NOTICE AND CALL TO ORDER: Mayor Pro-Tempore Joe Kusar called to order of a public hearing for the purpose of receiving public input 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-007-006: Mr. Kevin Sullivan - Rezone - 1.14 Acres from City of Perry R1 to City of Perry OC - 607 & 609 Ball Street - MP P4-55 & P4-56: Mayor Pro-Tempore Joe Kusar read aloud a letter of recommendation from the Perry Planning Commission dated April 24, 2007 as follows:

*Re: Petition for Rezoning Application No. R-007-006
Mr. Kevin Sullivan
Rezone – 1.15 Acres from
City of Perry R1 to City of Perry OC
607 & 609 Ball Street
MP P4-55 & P4-56*

Dear Mayor and Council:

On April 23, 2007 Perry Planning Commission reviewed the above referenced Petition for Rezoning from Mr. Kevin Sullivan.

This petition requests the rezoning of 1.15 acres located at 607 & 609 Ball Street from City of Perry R1, Single Family Residential District to City of Perry OC, Office Commercial District.

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 for OC rezoning with the following conditions 1) A 20' vegetative buffer along all property lines that abut the residential zoning; 2) All processing of goods and materials be within the confines of the building; 3) Dumpster facilities are screened by an enclosure that mirrors the texture and material of the buildings; and 4) No trees are removed until landscaping and tree removal and replacement plan are approved.

Sincerely,
Martin Beeland, Chairman
Perry Planning Commission".

Staff report: Steve Howard, Chief Building Official presented for the Council's review the plans for the site and advised the Perry Planning Commission are recommending approval of the OC request, they have recommendations as has been included in their letter of recommendation.

Public Input: Mayor Pro-Tempore called for any public input for or opposed to the petition.

In favor: Petitioner Kevin Sullivan advised that he would like the rezoning and advised that he'd planned to meet the conditions and described the structures and their aesthetics.

Opposition: There was no one that spoke in opposition.

7. Consent Agenda Items:

- 7a. Minutes of May 1, 2007 regular meeting approved: Council Member Riley Hunt moved to approve. Council Member James Moore seconded the motion and it carried unanimously.

8. Old Business:

- 8a. Alcohol Licensing: City Manager Lee Gilmour.

1. Application approved for beer/wine/mixed drinks at The Tavery, Inc. @ The New Perry Hotel, 800 Main Street. New name is Kelly Edward Waters. Staff recommendation is to

approve contingent on approval from the State of Georgia: Council Member James Moore moved to approve. Council Member Riley Hunt seconded the motion and it carried unanimously.

8b. Ordinances for Second Reading/Consideration of Adoption: Presented by City Manager - **Second Readings** of:

1. Adopted Ordinance No. 2007-24 to delete/amend XII in Chapter 15: Coin Operated Amusement Machines and add a new section: City Manager Lee Gilmour gave the second reading of an Ordinance to delete/amend XII in Chapter 15 - Coin Operated Amusement Machines and add a new section. The Manager advised that after review by City Attorney and Department of Public Safety, it is recommended to approve. Council Member Phyllis Bynum-Grace moved to approve. Council Member James Moore seconded the motion. Council Member Moore asked if Chief Potter's recommendations had been incorporated into the document? The City Manager advised that most of the changes/suggestions that were made by the Department of Public Safety were incorporated unless they were in conflict with the State of Georgia law. Mr. Potter advise it had all been addressed. Call for the Vote: The motion carried unanimously. (Ordinance No. 2007-24 has been placed in the City's official book of record.)

9. New Business:

9a. Ordinances for First Reading and Introduction:

1. **First Reading:** City Manager Lee Gilmour gave the first reading of an ordinance to amend the City of Perry official zoning map to reflect a change in zoning for property consisting of 1.15 acres located at 607 & 609 Ball Street - from City of Perry R1 to City of Perry) OC, Office Commercial District. (No action required by the Council - adoption to be considered at the June 5, 2007 meeting.)

9b. Award of Bids: Consideration of Awards:

1. Awarded Bid No. **2007-12** Sanitary Sewer Manhole Rehabilitation: Lee Gilmour, City Manager: The Manager provided a Memorandum of Purchase from the City's Purchasing Agent Jim Moody, bids were received as follows:

Vendor	Amount:
Utility Asset Management, Inc.	\$ 318,376.00
Steele & Associates	\$ 338,900.00
Staggs Environmental Construction	\$ 359,100.00
Mechanical Jobbers Marketing, Inc.	\$ 379,450.00
Harry Varnadoe Grading & Piping	\$ 389,550.00
American Infrastructure Technologies	\$ 628,300.00
Reynolds Inliner, LLC	\$ 688,750.00

Department Recommendation: Accept bid from Utility Asset Management, Inc. in the amount of \$318,376.00.

ISE Consultant - is recommending to award to Utility Asset Management.

The Manager advised the cost will be funded out of the SPLOST 06 monies.

Council Member Riley Hunt moved to approve. Council Member Phyllis Bynum-Grace seconded the motion. Mayor Pro-Tempore Joe Kusar inquired how many manholes will be repaired under this contract, and are these the top priority manholes? The Manager advised these are the top priority, but wasn't sure on the number. Call for vote to the Motion: The motion carried unanimously.

2. Awarded Bid No.: **2006-38** Demolition of Structure at 826 Ball Street: Lee Gilmour, City Manager presented for the Council's consideration a Memorandum of Bid from the Purchasing Agent for the demolition of structure at 826 Ball Street, as follows:

Vendor	Basic
Warren Construction	\$ 8,900.00

No response: Pete Stokes Bldg., M & M Construction, Willie C. Davis & Son, Easy Living Excavation, SOA Construction, Chris Stokes Construction, Three Kings Construction, Level Line, Inc.

The Staff recommendation is to accept the sole bid from Warren Construction for \$8,900.00.

Council Member Riley Hunt moved to award as recommended to Warren Construction. Council Member James Moore seconded the motion and it carried unanimously.

- 9c. Alcohol License Applications - First Readings - none presented at time of preparation.

- 9d. Resolutions for consideration:

1. Adopted Resolution No. 2007-23 designating Mayor James Worrall as the City's voting delegate for the 2007 GMA Annual Convention in Savannah and Council Member Brian Bowen as the alternate delegate: Council Members unanimously supported the appointment of Mayor James Worrall as the City's voting delegate, and Council Member Brian Bowen as the alternate delegate. (*Resolution No. 2007-23 has been placed in the City's official book of record.*)
2. Adopted Resolution No. 2007-24 to amend the Community Facilities Plan: City Manager Lee Gilmour presented for the Council's consideration a Resolution to amend the City's Community Facilities Plan to include construction of a gymnasium at Creekwood Park. The Manager advised that the estimated cost for the construction is \$780,000.00 and this is recommended to be added to the Capital Program. Council Member Bobby Glover moved to adopt the Resolution amending the Community Facilities Plan. Council Member Riley Hunt seconded the motion and it carried unanimously. (*Resolution No. 2007-24 has been placed in the City's official book of record.*)
3. Adopted Resolution No. 2007-25 to amend the City of Perry Personnel Management Plan: City Manager Lee Gilmour presented for the Council's consideration a Resolution to amend the City of Perry Personnel Management Plan. The amendment incorporates the recently adopted policy of vacation time and training and education payback time. The resolution would incorporate these

two policies formally into the Personnel Management Plan. Council member Riley Hunt moved to approve. Council Member James Moore seconded the motion and it carried unanimously. (*Resolution No. 2007-25 has been placed in the City's official book of record.*)

9e. Recommendations from the Public Works Oversight Committee (met 05.02.07):

- Authorized amending the City's sewerage infrastructure specifications to address GA/DNR-EPD back-up power lift station requirements per Exhibit A. The Manager advised that the Committee reviewed the new EPD requirement that there has to be back up power generation for lift stations. *Reviewing the options in Exhibit A:*

Lift Stations

- Each lift station designed for a capacity of 150 gallons/per minute or more shall be required to have an on-site standby generator for back-up power. The back-up generator may be fueled with natural gas, propane or diesel fuel. Each generator shall be equipped with at least 24 hours of fuel storage if not connected to a fuel supply (i.e. natural gas). Generator size shall be based on best management practices.
- Each lift station designed for a capacity of less than 150 gallons/per minute may use one of the below back-up power options:
 1. Permanent dedicated generator on site.
 2. Dual feed electric power lines from separate electric power substations.
 3. Emergency generator receptacle at pump station power pole.

If option 3 is selected developer is required to provide or contribute fair portion (one-third or more) towards trailer mounted backup generator with at least 24 hour fuel storage capacity.

While a developer may be required to fund all up front initial costs the City shall reimburse, based on standard agreement, non-developer impact expense.

Council Member Joe Kusar stated clarification that the reimbursement is not derived from the tap fees, it is from the next developer (next phase) .. would contribute back the cost for the generator.

Council Member Riley Hunt moved to approve the amendment as presented to the City's Water/Sewerage Specifications. Council Member Bobby Glover seconded the motion and it carried unanimously.

- Authorized purchase of flow meter/sampler as recommended by ESG, Inc. The City Manager advised that the Committee, upon review had asked that the City check with ESG, Inc. and determine if the City's current flow meters could be used. ESG, Inc. advised that these wouldn't work in that the flow meter needed is a higher level that takes samples. The Manager recommended the purchase of the Sigma 920 Velocity Flow Meter as was recommended by ESG, Inc. to monitor waste flows coming from certain points to ensure they are abiding by the permits, before they enter the wastewater treatment plant. (\$7,628.00) Council Member Riley Hunt moved to approve. Council Member Bobby Glover seconded the motion and it carried unanimously.

9f. Recommendations from the Parks and Recreation Oversight Committee (met 05.14.07):

- Authorized establishing City greenspace lease program: The Manager reviewed the establishment of a City greenspace lease program, subject to the conditions listed below:
 1. Required annexation;
 2. No net cost of program to City;
 3. Five (5) year lease agreement;
 4. First option to buy; and,
 5. Contract required.

Council Member Bobby Glover moved to establish the lease program. Council Member Riley Hunt seconded the motion and it carried unanimously.

- Authorized recommendations of Committee for Rozar Park Community Center: The Manager reviewed the committee's recommendations pertaining to the operations/use of the Rozar Park Community Center:
 1. Use of volunteers, approved by Recreation Commission, to monitor the Rozar Community Center; (identified and approved by Recreation Commission)
 2. Close the center on Sundays except for rental arrangements; and,
 3. Prohibit long term rental/lease arrangements for the facility.

Council Member Council Member Phyllis Bynum-Grace moved to approve the recommendations as recommended. Council Member Riley Hunt seconded the motion and it carried unanimously.

- Authorized, subject to contract review, agreement with Middle Georgia Consortium to provide, at no cost to the City, summer and winter contract youth based on City needs: The Manager advised that the Department of Parks and Recreation recommends entering into the agreement, to assist. The Manager advised there is no cost to the City, but the Committee advised that they would want to ensure contract review and authorization to proceed. Council Member Phyllis Bynum-Grace moved to approve. Council Member Bobby Glover seconded the motion and it carried unanimously.
- Authorized the Parks and Recreation Department to designate the former basketball court at Calhoun Park for skateboarding subject to no ramps, or other support items. City Manager Lee Gilmour advised that the Recreation Commission recommended that there is an area at Calhoun Park, where there used to be a basketball court - a place for the skateboarders to go. The conditions for the use would be that there are no structures, ramps at the site. The insurance carrier has advised that so long as there is only a flat surface, the liability exposure is not there. Council Member Bobby Glover moved to approve and Council Member James Moore seconded the motion. Mayor Pro-Tempore Joe Kusar stated that he assumed there would be a sign posted stating that skateboarding was permitted - and that he recommends this sign state "with appropriate safety equipment". Council Member Phyllis Bynum-Grace added that it should also state appropriate hours of use (i.e.: no use after dark). Council Member James Moore asked the media to emphasize there will be no ramps or equipment installed at this site. Council Member Bobby Glover clarified the use of proper attire. Call for Vote to the motion: The motion carried unanimously.

- 9g. Authorized proceeding with an archeological survey for Big Indian Creek Waterway project: City Manager Lee Gilmour reviewed progress for the Big Indian Creek

Waterway project State Grant application for a trail in the Big Indian Creek Waterway project. State has notified that the City - a tentative go ahead for the project, but to proceed with the grant, the State requires an archeological study for the park. The Manager advised that the administration recommends the study be done, as it is not very expensive and can be used as the City's local match if the grant is awarded. Indication from the State is that once the study is complete, the City, if there is no other issue, would receive the grant. Mayor Pro-Tempore Kusar inquired the size of the grant? The Manager advised \$80,000, with a 20 percent match. Council Member Bobby Glover inquired where the trail will start/end? The Manager advised the trail will start at Creekwood Park and move downstream along the City's acquired property and around to Oak Street. (City acquired properties along the creek). There are several crossover bridges along the trail. Council Member James Moore inquired about the estimated cost for the archeological study? The Manager advised that the estimated cost is \$1,500 - 2,500. Council Member Bobby Glover moved to approve the study. Council Member Riley Hunt seconded the motion and it carried unanimously.

- 9h. Council authorized sale of chlorination/de-chlorination system (declaring surplus) and approve Gov Deals as a means of disposing of the system: City Manager Lee Gilmour advised Council that when the original design work was done for the upgrade at the Wastewater Treatment Plant, specifications at that time called for a new chlorination/de-chlorination system. Shortly after the upgrade of the facility, the City proceeded on with the plant expansion phase and the requirements of this contract, were a review by Tetra Tech, Inc.(expansion phase engineer) of the upgrade to make sure there was no duplications in the expansion process. Tetra Tech, Inc. determined that the chlorination/de-chlorination system in the upgrade specs that had already been ordered, would probably not be needed and a different type system was recommended - subsequently Tetra Tech recommended the City cancel the chlorination/de-chlorination system order and if it could not be cancelled - they would try to assist the City in finding another buyer of the system. The contractor, H.C. Coleman was contacted to cancel the order, however the City was too late, the system was ordered and the City had to accept the equipment. The recommendation coming from the Department of Public Works is that rather than let it sit unused, it recommends listing the product on Ebay and see if it can be sold. The system was \$60,134.10. Council Member Joe Kusar inquired how successful the City thinks it will be in selling the product due to its uniqueness in design? The Manager stated at this point, it is better to try than to let it sit and collect dust. Council Member Riley Hunt moved to declare the item surplus and proceeding with the disposal. Council Member James Moore seconded the motion and it carried unanimously.

10. Other business.

- 10a. Mayor Pro-Tempore Joe Kusar appointed Ms. Betty Hotchkiss to serve as his new (Post 1, District 2) appointee on the Perry Area Convention and Visitors Bureau Authority as his representative (replaces resigned member Athena Sharp). Ms. Hotchkiss is a partner owner of The Front Porch Tea Room, she is also the President of the Downtown Merchant's Association.

11. Council Committee Reports: None. (* →)

12. Department Reports:

12a. Mr. George Potter, Director of Public Safety:

1. Reported that the Department of Public Safety has successfully advertised the sale of the 2002 Ferrar Rescue Pumper for \$ 97,000.00, and would like to accept this offer. The Council recommended that department accept the offer.
2. Successfully apprehended the robber of the Fillers Gas Station in Perry.

→ New Hope Church property - Council questions fencing of holding ponds: Council Member James Moore inquired of Mr. Howard if the holding ponds on the church property will be fenced? Mr. Howard advised that the holding ponds were sedimentation basins not to be of the depths to require fencing, there is a larger retention pond that is required to be fenced on the property. Council Member Riley Hunt questioned that if they were that close to the road, wouldn't it be mandatory that they be fenced. Mr. Howard advised at this point they've only approved the land disturbance permit, if it is determined that this is a dangerous situation, the Council would have the right to require fencing. Reverend Hardin advised that large retention pond would be fenced, it had not been his understanding that the shallow holding ponds would be required to be fenced.

13. Executive Session entered at 6:55 p.m.: Council Member James Moore moved to adjourn the regular meeting and enter into an Executive Session for the purpose of discussing a personnel matter. Council Member Riley Hunt seconded the motion and it carried unanimously.
14. Executive Session adjourned; Council reconvened the regular meeting of May 15, 2007: Council adjourned the Executive Session. Re-entered the regular meeting of May 15, 2007.
15. Adopted Resolution No. 2007-26 stating the purpose for the Executive Session held May 15, 2007 was to discuss a personnel matter only. Council unanimously approved.
16. Adopted Resolution No. 2007-27: Council Member Phyllis Bynum-Grace moved to approve the adoption of a Resolution authorizing the hiring of Director of Community Development as recommended City Manager. Council Member Riley Hunt seconded the motion and it carried unanimously. (Resolution No. 2007-27 has been placed in the City's official book of record.)
17. Approved creation of an additional secretarial position for the office of the City Manager: Council Member Phyllis Bynum-Grace moved to approve the creation of an additional secretarial position for the office of the City Manager. Council Member Riley Hunt seconded the motion and it carried unanimously.

Adjournment: There being no further business to come before the Council in the reconvened meeting held May 15, 2007, the meeting was adjourned at 7:16 p.m.