

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**May 19, 2009**  
**6:00 P.M.**

1. Call to Order: Mayor James Worrall called to order the regular meeting of the Perry City Council held May 19, 2009 at 6:00 p.m.

2. Roll.

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

Elected Official Absent: Council Member Phyllis Bynum-Grace.

Staff: City Manager Lee Gilmour. City Attorney John Walker. City Departmental Staffing: \*Brenda King – Director of Administration, George Potter – Director of Public Safety, Mike Beecham – Director of Community Development, Rick Kilgore – Director of Parks and Recreation, Ronnie Jones – Director of Public Works, Deputy Fire Chief Joel Gray – Fire Department, and Joni Ary - Recording Secretary.

\* Brenda King – Director of Administration arrived at 6:35 p.m.

Guests/Speakers: None.

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

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

4. Citizens with Input. None.

5. PUBLIC HEARING CALLED TO ORDER AT 6:01 P.M. Mayor James Worrall called to order a public hearing at 6:01 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).

5a. Petition for Rezoning Application No. R-09-002. Mr. Corey Lumpkin, 1303 Houston Lake Drive. MP-P0090-01400. Mayor James Worrall read aloud a letter of recommendation from the Perry Planning Commission dated April 28, 2009.

*“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 C-3 – Central Business District  
1303 Houston Lake Drive  
MP-P0090-01400*

*Dear Mayor and Council:*

*On April 27, 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 R3 – Multi-Family Residential District to City of Perry C-3 – Central Business District at 1303 Houston Lake Drive.*

*The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal recommendation of denial. The Commission based this recommendation on three factors: the location is inappropriate for the C-3, Central Business District; the distance from the existing C-3 District to the proposed rezoning; and the belief that the request constitutes spot zoning.*

*Sincerely,*

*Martin Beeland, Chairman  
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development advised Council the Planning Commission recommendation is for denial. Mr. Beecham stated that applicant originally requested OC – Office Commercial rezoning, based on misinformation the applicant was told that he could not live at the location with the OC – Office Commercial zoning, but in fact the applicant could live at the location. It was not until after the applicant was advised to proceed with requesting a C-3 zoning that the mistake was found. Mr. Beecham stated that the Planning Commission denied the request of a C-3 zoning due to the area that surrounds the property is zoned C-2. Council Member Joe Kusar asked which zoning was more restricted; C-2 or C-3. Mr. Beecham stated that C-2 was the least restrictive. Mr. Beecham stated that since the C-3 is more restricted, if Mr. Lumpkin was going to have someone live at the residence, then he would not have to apply for a Special Exception zoning. Mr. Beecham stated that his opinion assuming the City Attorney agrees since there has been a public hearing for the OC – Office Commercial zoning and a public hearing for the C- 3 zoning and the next City Council meeting, Council could approve either zoning; OC or C-3. Mayor Pro-Tempore Riley Hunt asked if Council denies the C-3 zoning, when would the applicant be able to come back to Council with another zoning request. Mr. Beecham stated that the applicant would have to wait six (6) months.

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

In Favor: Mr. Corey Lumpkin – stated that it did not matter what zoning was decided on, he just wanted to do what was best to have the zoning approved.

Opposition: Mr. Todd Barker stated that he would like Mr. Lumpkin to have the property zoned R-3 with a Special Exception due to the surrounding businesses zoned as R-3. Mr. Barker stated that he wanted the surrounding area to stay zoned R-3.

Council Member Joe Kusar asked if the applicant would have to wait to request the R-3 zoning with Special Exception. Mr. Beecham stated that Special Exception zoning would have to be advertised on the property prior to the public hearing.

- 5b. Petition for Rezoning the Historic Overlay District. Petition for Rezoning the Historic Overlay District by adding 116 parcels to the Historic District located in the Smoak Neighborhood. Mayor James Worrall read aloud a letter of recommendation from the Perry Planning Commission dated April 14, 2009.

*“Review of the Smoak Neighborhood Historic District.*

*Dear Mayor and Council:*

*On April 13, 2009, the Perry Planning Commission held an informational hearing regarding the inclusion of the Smoak Neighborhood in the Historic Overlay District.*

*Based on the information provided and the desire of the residents, the Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal recommendation that the Historic Overlay District should not be extended to include the Smoak Neighborhood.*

*Martin Beeland, Chairman  
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development advised Council that the Planning Commission recommendation is not to extend the Historic Overlay District to include the Smoak neighborhood. The Planning Commission recommended denial based on the concerns of the Smaok residents.

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

In Favor: None.

Opposition: None.

City Manager Lee Gilmour stated that based on Council’s concurrence at the May 5<sup>th</sup> work session meeting, the recommendation of the Administration is to support the position of the Planning Commission recommendation that the historic overlay district should not be extended to include the Smoak Neighborhood. Council Member Joe Kusar motioned to follow the recommendation that the historic overlay district should not be extended to include the Smoak Neighborhood. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.

Public Hearing Adjourned 6:17 p.m. Mayor James Worrall closed the public hearing at 6:17 p.m.

6. Consent Agenda Items: Mayor James Worrall.

- 6a. Council Consideration – Minutes of May 5, 2009 work session and regular meeting. Mayor Pro-Tempore Riley Hunt motioned to approve the minutes. Council Member Charles Lewis seconded the motion and it carried unanimously. Council Member Charles Lewis stated correction for item on Regular City Council minutes item 9b. (7).

7. Old Business: Mayor James Worrall.

7a. Ordinances for Second Reading and Introduction: City Manager Lee Gilmour.

1. Adoption of Ordinance 2009-14. City Manager Lee Gilmour gave the second reading of an ordinance to amend the Perry Code by deleting Sec. 15-2002(a) – Distance requirements in its entirety and adding a new Sec. 15-2002(a); and adding a new Sec. 15-2010 – Notice Requirement. Council Member Willie King moved to adopt the ordinance. Council Member Charles Lewis seconded the motion and it carried unanimously. (*Ordinance 2009-14 has been entered in the City's official book of record*).

8. Any Other Old Business Matters: None.

9. New Business: Mayor James Worrall.

9a. Ordinances for First Reading and Introduction: City Manager Lee Gilmour.

1. **First Reading** of an Ordinance to rezone 0.71 acres from City of Perry R3 – Multi-Family Residential District to City of Perry C3 – Central Business District. The property is located at 1303 Houston Lake Drive. (*No action required by Council*).

9b. Approved unanimously recommendations of the Administrative and Finance Oversight Committee from their meeting held on May 4, 2009. Chairman of Administrative and Finance Oversight Committee Joe Kusar.

1. Adopt policy relative to City wireless devices.

Council Member Joe Kusar made the motion to accept the recommendation of the Committee. Council Member Charles Lewis seconded the motion and it carried unanimously.

2. Authorize increasing the Hotel/Motel Tax.

Council Member Joe Kusar made the motion to accept the recommendations of the Committee. Council Member Willie King seconded the motion and it carried unanimously.

9c. Resolutions for Consideration. City Manager Lee Gilmour.

1. Adopted Resolution No. 2009-18 for Cameron Court Phase II relative to affordable housing for the elderly . City Manager Lee Gilmour presented for Council's consideration a Resolution authorizing Cameron Court Phase II, Inc. to construct 60 unit apartment complexes for the elderly. Council Member James Moore motioned to adopt the Resolution authorizing Cameron Court Phase II, Inc to construct 60 unit apartment complexes for the elderly. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2009-18 has been entered in the City's official book of record*).

2. Adopted Resolution No. 2009-19 to amend the City of Perry Fee Schedule. City Manager Lee Gilmour presented for Council's consideration a Resolution to amend the City of Perry Fee Schedule. Council Member Joe Kusar motioned to adopt the Resolution to amend the City of Perry Fee Schedule. Council Member Willie King seconded the motion and it carried unanimously. (*Resolution 2009-19 has been entered in the City's official book of record*).
  
- 9d. Authorize change order for the Wastewater Treatment Plant. City Manager Lee Gilmour presented for Council's consideration a Change Order request for the Wastewater Treatment Plant. Mr. Ronnie Jones, Director of Public Works reviewed options with Council and recommended Option 1 from the contractor Southern Champion for the removal of sludge and grit from the digester. Council Member Joe Kusar motioned to approve the Change Order request for the Wastewater Treatment Plant. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.

**Item recommended from the work session to Council:**

1. Authorize to proceed applying for the State of Georgia Caring Communities Grant. City Manager Lee Gilmour stated that this item was reviewed in the work session and recommended to Council to approve. Council Member Joe Kusar motioned to authorize to proceed applying for the State of Georgia Caring Communities Grant. Council Member Willie King seconded the motion and it carried unanimously.

10. Council Member Items.

Council Member Willie King – No.

Council Member James Moore – Asked if the State of Georgia Ball Street Extension funding no longer exists per the GADOT. City Manager Lee Gilmour stated that is correct. Council Member James Moore asked if the property owner could paint the turning arrows in the Kroger parking lot, due to confusion. City Manager Lee Gilmour stated that the property owner would be notified. Council Member James Moore stated that he wanted to commend the developer from Cameron Court Phase II, Inc. for its project and its positive influence.

Mayor Pro-Tempore Riley Hunt – No.

Council Member Charles Lewis – Stated that he attended Airport Authority meeting and reviewed with Council the updates on the three (3) projects; taxiway relocation, corporate runway and lighting for the runways.

Council Member Joe Kusar – Asked Deputy Fire Chief Joel Gray about the flushing of the fire hydrants washing away landscaping. Deputy Fire Chief Joel Gray stated that the Fire Division would be attaching a hose to avoid that problem.

11. Department Head Items.

Director of Public Safety – George Potter: No.

Deputy Chief Joel Gray – Fire Department: No.

Director of Community Development – Mike Beecham: No.

Director of Parks and Recreation – Rick Kilgore: No.

Director of Public Works – Ronnie Jones: No.

Director of Administration – Brenda King: No.

12. Adjournment: There being no further business to come before the Council meeting held May 19, 2009, Mayor James Worrall adjourned the meeting at 6:40 p.m.