

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
May 5, 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 5, 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, Phyllis Bynum-Grace and Willie King.

Elected Official Absent: Council Member James Moore.

Staff: City Manager Lee Gilmour. City Attorney David 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 Annie Warren - Recording Secretary.

Guests/Speakers: Mr. James Kizer, Constantine Engineering.

Press: Charlotte Perkins – Houston Home Journal, 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. Citizens with Input. None.

Not on the Agenda:

Mayor's announcements:

Mayor Worrall invited the public to the National Day of Prayer on Thursday, May 7, 2009 at City Hall from 12noon until 12:30 p.m.

Mayor Worrall announced Wednesday, May 6, 2009 is National Nurses' Day. Mayor Worrall recognized Council Member Phyllis Bynum-Grace, who is a nurse in the Houston County School System.

Presentation Mr. James Kizer, Constantine Engineering from Cambridge sewer interceptor. Mr. Kizer presented to Council a powerpoint presentation reflecting his findings and recommendations relative the Cambridge sewer interceptor.

5. PUBLIC HEARING CALLED TO ORDER AT 6:15 P.M. Mayor James Worrall called to order a public hearing at 6:15 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 Special Exception Application No. SE-09-01. Martha Gray, 411 Martin Luther King, Jr. Drive. MP-P26-119. Mayor James Worrall read aloud a letter of recommendation from the Perry Planning Commission dated April 14, 2009.
Note: Special Exception require a Council decision at the time of introduction

“Re: Petition for Special Exception Application No. SE-09-01

Martha Gray

411 Martin Luther King, Jr. Drive

MP-P26-119

Dear Mayor and Council:

On April 13, 2009, the Perry Planning Commission reviewed the above referenced Petition for a Special Exception from Ms. Martha Gray.

This Petition requests a special exception to operate a day care center in an R-2 District.

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal favorable recommendation of approval for this petition request as submitted with the condition that two parking spaces be provided in front of the residence.

Sincerely,

Martin Beeland, Chairman

Perry Planning Commission”.

Staff Report: Mike Beecham, Director of Community Development advised Council this is the same property that a different occupant petitioned for a Special Exception for a transportation service six months ago. Mr. Beecham advised Council that the recommendation from the Planning Commission for the operation of a daycare center at this property was favorable for approval with the condition that two parking spaces be provided in front of the residence. Mayor Pro-Tempore Riley Hunt had asked Mr. Beecham earlier about state regulations for daycare centers. This structure has 660 square feet. According to Georgia State law each child has to have thirty-five square feet of floor space, a structure with a single bathroom can have no more than twelve children so there is an overall limit of twelve children.

Council Member Charles Lewis asked it would be operated as a daycare and residence. Mr. Beecham advised as a daycare only.

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

In Favor: Ms. Martha Gray advised that she would adhere to the local rules and regulations. Mayor Pro-Tempore Riley Hunt asked Ms. Gray if she would need a permit from the State. Ms. Gray stated she would have to be licensed. Mayor Pro-Tempore Riley asked Ms. Gray if she would be preparing food for the children. Ms. Gray stated yes. Mayor Pro-Tempore asked Mr. Beecham what type of health permit would be needed. Mr. Beecham stated that would require a permit from the health

department. We require proof that all of these permits are issued to Ms. Gray before a business license is issued.

Council Member Joe Kusar noticed that the yard was not fenced. Ms. Gray advised that there will be a fenced in playground.

Mr. Jim McClance stated that he purchased the house from Security Bank and he renovated the house inside and out. He stated he has never met anyone nicer than Ms. Gray and her sister. She is 100% honest and will do what you ask of her.

Council Member Willie King made the motioned that the City adopt the recommendation from the Perry Planning Commission and approve the special exception request. Council Member Joe Kusar proposed an amendment to Council Member Willie King motion, to include the recommendation of the Planning Commission that restrict the business size and install the parking spaces. Council Member Willie King concurred and it carried unanimously.

Opposition: None.

Public Hearing Adjourned 6:23 p.m. Mayor James Worrall closed the public hearing at 6:23 p.m.

6. Consent Agenda Items: Mayor James Worrall.

6a. Council Consideration – Minutes of April 21, 2009 work session and regular meeting. Council Member Phyllis Bynum-Grace motioned to approve the minutes. Council Member Willie King seconded the motion and it carried unanimously.

7. Old Business: Mayor James Worrall.

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

1. Adoption of Ordinance 2009-11. City Manager Lee Gilmour gave the second reading of an ordinance to amend the Perry Land Development Ordinance Sections 83.3.4, 83.6.4, 106.6.2, 106.6.3, 106.6.4, 106.6.6, 106.6.7, and Appendix C – Section 3.02 - Deleting language which requires nonconforming shopping center signs to be removed within two (2) years. Council Member Joe Kusar moved to adopt the ordinance. Council Member Willie King seconded the motion and it carried unanimously. (*Ordinance 2009-11 has been entered in the City's official book of record*).

2. Adoption of Ordinance 2009-12. City Manager Lee Gilmour gave the second reading of an ordinance to amend the Perry Land Development Ordinance Section 31 – Definition of a personal home to include children in addition to ambulatory adults. Council Member Willie King moved to adopt the ordinance. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Ordinance 2009-12 has been entered in the City's official book of record*).

3. **Deferred to Public Works Oversight Recommendations**

Second 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

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 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. *(No Action required by Council - First Reading only).*

9b. Approved unanimously recommendations of the Public Works Oversight Committee from their meeting held on April 23, 2009. Chairman of Public Works Oversight Committee Riley Hunt.

1. Adopt recommended tree selection list for planting guidelines.

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

2. Adjust Perry Branch sewer Interceptor Project

- Cancel current construction plan
- Increase pipe size in existing line where needed
- Insulate groundwater intrusion in portion of Tucker neighborhood.
- Construct new lift station to divert flow.

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

3. Authorize proceeding with Baird Street area street drainage plan per Saunders Engineering Consultants, Inc. March 16, 2009 concept plan.

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

4. Authorize phase out of Tetra Tech, Inc. engineering services.

Mayor Pro-Tempore Riley Hunt made the motion to accept the recommendation of the Committee. Council Member Willie King seconded the motion and it carried unanimously.

5. Soil Erosion Management

- Reject all bids for bid numbers 2009-07; 2009-08; 2009-09; 2009-10 due to budget issues.
- Require all future soil erosion plans to have letters of credit as provided by the soil erosion control ordinance.

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

6. Adopt a policy relative to City meter tampering.

Council Member Phyllis Bynum-Grace made the motion to accept the recommendation of the Committee. Council Member Willie King seconded the motion and it carried unanimously.

7. Adopt the proposed methane monitoring program milestone schedule to address GADNR/EPD mandated changes.

Council Member Charles Lewis made the motion to accept the recommendation of the Committee. Mayor Pro-Tempore Charles Lewis seconded the motion and it carried unanimously.

8. Adopt prioritization schedule for the City's water supply and distribution system needs per the March 4, 2009 technical memorandum by Constantine Engineering.

- Investigate specific modifications necessary to increase the current withdrawal capacity.
- Evaluate options for water treatment systems.
- Develop reliable plan for water supply to expanding areas.
- Evaluate alternatives to the water distribution system.

Mayor Pro-Tempore Riley Hunt made the motion to accept the recommendations of the Committee. Council Member Joe Kusar seconded the motion and it carried unanimously.

9. Amend subdivision development regulations to require values be placed on the meter box per the February 13, 2009 recommendation from ESG Operations, Inc.

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.

10. Amend policy relative to hydrant meter rental.

Mayor Pro-Tempore Riley Hunt made the motion to accept the recommendation of the Committee. Council Member Joe Kusar seconded the motion and it carried unanimously.

11. Adopt septic hauler disposal policy.

Mayor Pro-Tempore Riley Hunt made the motion to accept the recommendation of the Committee. Council Member Willie King seconded the motion and it carried unanimously.

12. Wastewater Facility Upgrade Phase 1

- Authorize bidding for decant line.
- Authorize review to SCADA monitoring system to intersect with current system.
- Authorize bidding for maintenance building per EGS Operations, Inc. concept plan.
- Authorize commercial letters of credit for street warranties.

Council Member Willie King made the motion to accept the recommendations of the Committee. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously.

Adoption of Ordinance 2009-13 City Manager Lee Gilmour gave the second 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. Council Member Willie King moved to adopt the ordinance. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously. (*Ordinance 2009-13 has been entered in the City's official book of record*).

- 9c. Review proposal for alternate transportation design criteria. Deferred.

- 9d. Award of Bids: Consideration of Award -

1. Bid No. 2009-16(A) award demolition of structure at 508 MLK Blvd..

<u>Vendor</u>	<u>Basic</u>	<u>Total</u>
David Faulk	\$4,700.00	\$4,700.00
Martin Construction	\$6,885.00	\$6,885.00
Warren Construction	\$7,460.00	\$7,460.00
LeClay Inc.	\$14,995.00	\$14,995.00
Level Line	\$16,000.00	\$16,000.00

City Manager Lee Gilmour suggested to Council to accept the recommended bid from

David Faulk in the amount of \$4,700.00. Council Member Joe Kusar motioned to accept the recommended bid. Council Member Willie King seconded the motion and it carried unanimously.

2. Bid No. 2009-16(B) award demolition of 524 Bill St.

<u>Vendor</u>	<u>Basic</u>	<u>Total</u>
Martin Construction	\$2,675.00	\$2,675.00
Warren Construction	\$3,120.00	\$3,120.00
David Faulk	\$3,200.00	\$3,200.00
Level Line	\$7,400.00	\$7,400.00
LeClay Inc.	\$9,995.00	\$9,995.00

City Manager Lee Gilmour suggested to Council to accept the recommended bid from Martin Construction in the amount of \$2,675.00. Mayor Pro-Tempore Riley Hunt motioned to accept the recommended bid. Council Member Willie King seconded the motion and it carried unanimously.

3. Bids for New Haven subdivision irrigation system. City Manager Lee Gilmour presented for Council's consideration bids for installation of a water system to provide irrigation to the New Haven subdivision buffer on Gurr Road. The bids were: A&A Contractors of Perry, Inc. - \$4,843.00 and Unique Landscaping (Warner Robins) - \$5,600.00. City Manager Lee Gilmour suggested to Council to accept the recommended bid from A&A Contractors in the amount of \$4,843.00. Council Member Phyllis Bynum-Grace motioned to accept the recommended bid. Council Member Willie King seconded the motion and it carried unanimously

11. Council Member Items.

Council Member Willie King – No.

Mayor Pro-Tempore Riley Hunt – No.

Council Member Charles Lewis – No.

Council Member Joe Kusar – The Finance Committee met last night. I would like to thank Committee Members Willie King, Riley Hunt and Council Member Charles Lewis for their attendance. We reviewed all of the funds balances and unrestricted funds. We are going to have a very difficult budget meeting to put together the budget for next year. Per City Manager Lee Gilmour, we will have at least \$1 million shortfall between the General Fund and Water Sewer Fund without any additional spending next year.

Council Member Phyllis Bynum-Grace – No.

City Attorney David Walker – No.

10. Department Head Items.

Director of Public Safety – George Potter: No. Mayor Worrall asked Mr. Potter to get with him later relative the Relay for Life on May 15, 2009 security.

Deputy Chief Joel Gray – Fire Department: No.

Director of Community Development – Mike Beecham: No.

Director of Parks and Recreation – Rick Kilgore: Track and field team went to Monroe Georgia and one of our men qualified to go to state and three of our young ladies qualified to go to state. The AAU coach, Charlie Green would like for the three ladies to be on the AAU team to run track with a group from Warner Robins. We have talked to the parents and they have agreed to do so.

Director of Administration – Brenda King: No.

Director of Public Works – Ronnie Jones: No.

12. Executive Session entered at 6:44 p.m.: Council Member Joe Kusar moved to adjourn regular meeting and enter into an Executive Session for the purpose of discussing real estate and personnel. Council Member Willie King seconded the motion and it carried unanimously.

13. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held May 5, 2009 and reconvened into the regular meeting.

14. Adopted Resolution No. 2009-17 stating purpose of Executive Session held May 5, 2009 was to discuss real estate and personnel. Council Member Charles Lewis moved to adopt a resolution stating the purpose of the Executive Session held on May 5, 2009 was to discuss real estate and personnel. Mayor Pro-Tempore Riley Hunt seconded the motion and it carried unanimously. (*Resolution 2009-17 has been entered in the City's official book of record*).

15. Adjournment: There being no further business to come before the Council in the reconvened meeting held May 5, 2009, Mayor James Worrall, the meeting was adjourned.