

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
September 2, 2008
6:00 P.M.

1. Call to Order: Mayor James Worrall, Presiding Officer, called to order the regular meeting of the Perry City Council held September 2, 2008 at 6:02 p.m.

2. Roll.

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

Elected Officials Absent: None

Staff: City Manager Lee Gilmour. City Attorney David Walker. City Departmental Staffing: George Potter – Director of Public Safety, Brenda King – Director of Administration, Deputy Fire Chief Joel Gray – Fire Department, Rick Kilgore – Director of Parks and Recreation, Mike Beecham – Director of Community Development, Ronnie Jones – Director of Public Works, Dianne Abney – Secretary Public Works Department and Annie Warren-Riley – Recording Secretary.

Guests/Speakers: Ms. Danielle Bodony, Ms. Mary Allison, Mr. Kim Mullins and Ms. Elizabeth Baker.

Press: Charlotte Perkins – Houston Home Journal.

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 6:06 P.M.: Mayor James Worrall called to order a public hearing at 6:06 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-08-009. Danielle and Edward Bodony, applicant; Edward and Katherine Blount, owner – Rezone .427 acres from City of Perry R3, Multi-Family Residential District to City of Perry LC, Limited Commercial District for property located at 1207 Swift Street. MP – P2-66. Mayor James Worrall presented a letter of recommendation from the Perry Planning Commission dated August 12, 2008, as follows:

*“Re: Petition for Rezoning Application No. R-08-009
Danielle & Ed Bodony, applicant; Edward & Katherine Blount, owner
Rezone 0.429 acres*

*City of Perry R3, Multi-Family Residential District
to City of Perry LC, Limited Commercial District
1207 Swift Street
MP – P2-66*

Dear Mayor and Council:

On August 11, 2008 Perry Planning Commission reviewed the above referenced Petition for Rezoning from Danielle & Ed Bodony, applicant; and Edward & Katherine Blount, owner.

This petition requests the rezoning of 0.427 acres from City of Perry R, Multi-Family Residential District to City of Perry LC, Limited Commercial District for property located at 1207 Swift Street.

The Perry Planning Commission respectfully submits this letter to Mayor and Council as our formal recommendation of denial for this petition request for LC zoning..

Sincerely,

*Martin Beeland, Chairman
Perry Planning Commission”.*

Staff Report: Mike Beecham, Director of Community Development advised the Council that the applicant wants to put a photography studio on the property. Mr. Beecham explained why this is not a home occupation business; the applicant does not plan to reside at the address for three to five years. By definition, you if you don't live at a residence it can not be a home occupation business. Mr. Beecham recommended to the applicant, Ms. Bodony, to petition for limited commercial since the Planning Commission heard the request on the August 11th and had some concerns about introducing commercial zoning into a residential area.

Council Member Joe Kusar asked if there was any other reason that home occupation would not appropriate other than not living at the property.

Mr. Beecham advised if the applicant had plan to live at property the applicant would have to come before City Council for a Special Exemption residential business.

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

In Favor:

Ms. Danielle Bodony (applicant) – Ms. Bodony advised the Council that this is all a technicality. She and her husband would like to live in the home but they can not buy the home from Mr. Blount unless it rezoned. Ms. Bodony would like for her home and residence to be in the same place.

Ms. Mary Allison (owner of Trends) – Ms. Allison addressed Council relative to most towns older houses usually have businesses in them. The businesses increase property value of the surrounding homes. Ms. Allison advised that she is interested in one of the homes on Swift Street as a business.

Mr. Kim Mullins – Mr. Mullins advised Council that in Carrollton Georgia they have any historical neighborhood in downtown with over ninety percent professional businesses and they are very well kept.

Opposition:

Ms. Elizabeth Baker (1306 Swift Street) – Ms. Baker advised if there were businesses on Swift Street it would look like a street were residents use to live. When riding down Swift Street you get the idea of an historical neighborhood. Some of the houses are more than 100 years old. Leave Swift Street as a residential area.

- 5b. Establish the City millage rate for fiscal year 2009 – tax year 2008.

City Manager Lee Gilmour presented to Council that state law requires that we have to advertise the five (5) prior years for the tax millage rate and income that came in as well as what is the proposed millage rate for FY 09, tax year 2008. There are two major items that affect the – 1. The total value added by reassessment times \$2 million did not increase, it went down. The State allows Council to accommodate changes in the millage rate. 2. The State of Georgia is facing cut backs. Governor Perdue has frozen the State contribution that the State provides for relief of property tax. If Council does not adjust for that relative to the millage, the City will lose \$186 thousand.

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

Mr. Bob Hubbard asked what percent of \$186 thousand of the total budget. City Manager Lee Gilmour advised 2.5 percent of the property tax.

Mr. Kim Mullins asked how many more mills will be added to the millage rate. City Manager Lee Gilmour advised .02 to .03 mills.

Mr. Daniel Brown asked what is the balance in reserve. City Manager Lee Gilmour stated in the unrestricted reserve the amount is \$2.6 million. Mr. Brown inquired if there was money left in last year budget. The City Manager advised there was a \$7,000 deficit.

Council Member Riley Hunt asked the City Manager what options are available.

City Manager Lee Gilmour provided the following options:

1. Council do nothing and set the millage the same rate as last year - 13.01 mills.
2. Council set the millage at 13.01 mills, send out the property tax bills and take out State income relief.
3. Council set the millage rate at a rate more than 13.01 mills. The maximum 13.07 mills.

Mr. Daniel Brown asked where do we stand on collection of property tax. City Manager Lee Gilmour advised that historically we have collected 99.99% property tax and we have no reason to assume we will not collect property tax.

Public Hearing Adjourned at 6:30 p.m. Mayor James Worrall closed the public hearing at 6:30 p.m.

6. Consent Agenda Items: Mayor James Worrall.

6a. Council Consideration –

1. Minutes of August 19, 2008 work session and regular meeting. Council Member Joe Kusar motioned to approve. Mayor Pro-Tempore Phyllis Bynum-Grace seconded the motion and it carried unanimously.

Not on Agenda: Presentation from Mayor Worrall and Council to Ms. Brenda King and the Finance Department the Certificate of Achievement for Excellent in Financial Reporting plaque.

7. Old Business: Mayor James Worrall.

7a. Ordinances for Second Reading/Consideration of Adoption: City Manager Lee Gilmour.

1. Adoption of Ordinance 2008-22. City Manager Lee Gilmour gave the second reading of an ordinance to rezone 18.99 acres from City of Perry R3 to City of Perry C2 for property located off Perry Parkway, as presented in Petition R-08-008. Council Member Joe Kusar motioned to adopt the ordinance. Mayor Pro-Tempore Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Ordinance 2008-22 has been entered in the City's official book of record*).
2. Adoption of Ordinance 2008-23. City Manager Lee Gilmour gave the second reading of an ordinance to amend the Perry Code by adding a new Sec.4-10 – Dog Registration. Mayor Pro-Tempore Phyllis Bynum-Grace motioned to adopt the ordinance. Council Member Willie King seconded the motion and it carried unanimously. (*Ordinance 2008-23 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: Presented by City Manager Lee Gilmour.

1. **First Reading** of an Ordinance to amend the City of Perry zoning map to reflect a change in zoning 0.427 acres located at 1207 Swift Street, as submitted in Petition R-08-009 by Danielle and Edward Bodony, applicant; Edward and Katherine Blount, owner from City of Perry R3, Multi-Family Residential District to City of Perry LC, Limited Commercial District. (*No Action required – First Reading only*).

- 9b. Resolutions for Consideration. City Manager Lee Gilmour.
1. Adoption of Resolution No. 2008-39 Establishing the millage rate for City of Perry tax year 2008 – budget year 2009 (13.01 mills). City Manager Lee Gilmour presented for Council’s consideration the following options relative to setting the millage rate.
 1. Keep the millage rate the same.
 2. Keep millage rate the same but do take into account Homestead relief from State.
 3. Increase millage rate to amount to recapture amount loss to the State.
 4. Set millage rate at full amount authorized (13.07 mills) since there was a lost in the digest.Council Member Riley Hunt asked City Manager Lee Gilmour for his recommendation. City Manager Lee Gilmour recommendation from the Administration to Council to leave the millage rate at 13.01 mills and take the \$186 thousand out of the fund balance and watch expenditures. Council Member Joe Kusar motion to keep the millage rate at 13.01 mills for tax year 2008 – budget year 2009. Council Member James Moore seconded the motion and it carried unanimously. (*Resolution 2008-39 has been entered in the City’s official book of record*).
- 9c. Authorized acceptance solid waste commercial to Houston County Board of Commissioners for Houston County jail. City Manager Lee Gilmour presented for Council’s consideration a request to authorize acceptance solid waste commercial to Houston County Board of Commissioners for Houston County jail. Mayor Pro-Tempore Phyllis Bynum-Grace motion to approve the request to authorize acceptance of solid waste commercial to Houston County Board of Commissioners for Houston County Jail. Council Member Joe Kusar seconded the motion and it carried unanimously.
- 9d. Approved statewide training requirement for Code Enforcement Officers. City Manager Lee Gilmour presented for Council’s consideration a request for a letter of support for statewide training requirement for Code Enforcement Officers. Council Member Riley Hunt motioned to approve the request for the letter of support for statewide training requirement for Code Enforcement Officers. Council Member James Moore seconded the motion and it carried unanimously.
- 9e. Approved recommendation of reappointment of Ms. Tessie Thomas to Board of Housing Authority of City of Perry. City Manager Lee Gilmour presented for Council’s consideration the recommendation of reappointment of Ms. Tessie Thomas to Board of Housing Authority of City of Perry. Council Member Riley Hunt motioned to approve the recommendation of the reappointment of Ms. Tessie Thomas to Board of Housing Authority of City of Perry. Council Member Willie King seconded the motion and it carried unanimously.
- 9f. Approved Memorandum of Understanding between Georgia Forestry Commission and Perry Fire Department relative to rural fire defense. City Manager Lee Gilmour presented for Council’s consideration a request enter into a Memorandum of

Understanding between Georgia Forestry Commission and Perry Fire Department relative to rural fire defense. Council Member James Moore motioned to approve the Memorandum of Understanding between Georgia Forestry Commission and Perry Fire Department relative to rural fire defense. Mayor Pro-Tempore Phyllis Bynum-Grace seconded the motion and it carried unanimously.

9g. Approved waiver of fees for state Go Fish project. City Manager Lee Gilmour presented for Council’s consideration a request to waive the review fees for the Go Fish project at the fairgrounds. Council Member Riley Hunt motioned to waive the review fees for the Go Fish project at the fairgrounds. Mayor Pro-Tempore Phyllis Bynum-Grace seconded the motion and it carried unanimously.

9h. Award of Bids: Consideration of Award -

1. Awarded Bid No. 2008-21 for security lockers for fire gear to Fireline.

Vendor	Basic	Total
Fireline	\$7,847.00	\$7,847.00
Gear Masters	\$9,297.33	\$9,297.33
Gear Grid	\$9,499.00	\$9,499.00

City Manager Lee Gilmour recommended to Council to accept the lowest bid of \$7,847.00 from Fireline. Council Member James Moore motioned to accept the lowest bid from Fireline in the amount of \$7,847.00. Mayor Pro-Tempore Phyllis Bynum-Grace seconded the motion and it carried unanimously.

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

1. Approved single-family development gas extension agreement. City Manager Lee Gilmour presented for Council’s consideration single-family development gas extension agreement between the City of Perry and Hardy Homes, Inc. The proposal stipulates the City will extend gas services to North Haven Subdivision, the developer will provide the necessary easements; the estimated cost to run the lines is \$4,400.00. Council Member Joe Kusar motioned to approve the single-family development gas extension agreement subject to confirmation from the property owners in writing providing easements and review by the City Attorney. Council Member Charles Lewis seconded the motion and it carried unanimously.

2. Authorized waiver of permit fee for Kiwanis parade. City Manager Lee Gilmour presented for Council’s consideration a request to waive the permit fee for Kiwanis parade. Council Member Riley Hunt motioned to authorize the waiver of permit fee for Kiwanis parade. Council Member Joe Kusar seconded the motion and it carried unanimously.

12. Department Reports.

George Potter, Director of Public Safety – Since August 19th, 25 vehicles have been broken into. Asking the public to lock their vehicles and if they see anyone suspicious at night to contact the police department.

Joel Gray, Chief Fire Department – No sir.

Mike Beecham, Director of Community Development – No sir.

Ronnie Jones, Director of Public Works – No sir.

Brenda King, Director of Administration – No sir.

Rick Kilgore, Director of Parks and Recreation – Opening season for football is Saturday, September 6, 2008 at 9:00 a.m. Creekwood Park.

11. Council Reports:

City Attorney David Walker – No.

Council Member Willie King – No.

Council Member Riley Hunt – No.

Council Member James Moore – Asked Public Safety Director George Potter if he has been contacted about evacuation of persons from Savannah relative the Hurricane. Mr. Potter advised that he has not been contacted. Council Member James Moore stated that there was a large number of participation from Robins Air Force Based relative to the Leadership Perry project on the recreation trail.

Council Member Charles Lewis – No.

Council Member Joe Kusar – Update demolition of fire damage downtown. Mike Beecham, Director of Community Economic Development advised Council Member Kusar that DDA has a special call meeting on Thursday relative to this matter.

Mayor Pro-Tempore Phyllis Bynum-Grace – No.

13. Executive Session entered at 6:41 p.m.: Council Member James Moore motioned to adjourn regular meeting and enter into an Executive Session for the purpose of real estate and personnel matters. Council Member Riley Hunt seconded the motion and it carried unanimously.
14. Executive Session adjourned; regular meeting reconvened. Council adjourned the Executive Session held September 2, 2008 and reconvened into the regular meeting.
15. Adopted Resolution No. 2008-40 stating purpose of Executive Session held September 2, 2008 was to discuss real estate and personnel matters. Council Member Joe Kusar motioned to adopt a resolution stating the purpose of the Executive Session held on September 2, 2008 was to discuss real estate and personnel matters. Council Member Charles Lewis seconded the motion

and it carried unanimously. (*Resolution 2008-40 has been entered in the City's official book of record*).

16. Adjournment: There being no further business to come before Council in the reconvened meeting held September 2, 2008, Mayor James Worrall adjourned the meeting.