

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
December 7, 2010
6:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held December 7, 2010 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr., Presiding Officer and Mayor Pro-Tempore Willie King. Council Members Riley Hunt, Joe Posey, Phyllis Bynum-Grace, William Jackson and Randall Walker.

Elected Official Absent: None.

Staff: City Manager Lee Gilmour and City Attorney John Walker.

City Departmental Staffing: Rick Kilgore – Director of Parks and Recreation, George Potter – Director of Public Safety, Brenda King – Director of Administration, Mike Beecham – Director of Community Development, Deputy Chief Joel Gray, Fire Department, Ronnie Jones – Director of Public Works, Captain Bill Phelps – Public Safety and Joni Ary - Recording Secretary.

Guests/Speakers: Mr. Ronald Dunn, Ms. Mary Lou Simon, Ms. Heather Gilbert, Mr. Keith Newton and Mr. Mike Barker.

Press/Media: Charlotte Perkins – Houston Home Journal, Michael Pannell – Macon Telegraph, Hollie Thrasher – The Warner Robins Patriot and Andrew Baker - ComSouth.

3. Invocation and Pledge of Allegiance to the Flag: Christ Lutheran Church Pastor John Lehenbauer gave the invocation and Council Member Randall Walker led the pledge of allegiance to the flag.

4. Special Guests/Presentations.

Recognition of 7-8 year old football players for winning the National Southeastern Championship. Director of Parks and Recreation Rick Kilgore presented to Council the 7-8 year old football players that won the National Southeastern Championship. The 7-8 year old football players also won the Optimus Bowl, Macon County, Perry Tournament and Nationals. Coach Mo Releford and Coach Greg Lawson presented the awards to each of the football players. Director of Parks and Recreation Rick Kilgore stated they will be taking the players to Stone Mountain and will pay 50% of the cost and have a party for the players.

5. Citizens with Input. Mayor Faircloth stated that due to the length of the Agenda, he asked that any citizens that wish to address Council to please limit their discussion to five minutes.

Mr. Ronal Dunn addressed Council with his concerns relative to the racial history of the City and stated he has filed an EEOC complaint against the City relative to the City's interviewing process.

Ms. Mary Lou Simon stated two street lights are out on Creekwood Drive and would like someone to check the lights.

Ms. Heather Gilbert asked that Council include the requirement for a second park. Ms. Gilbert stated she was told a second park would be built when she purchased her house and asks Council to consider requiring the second park.

Mr. Keith Newton reviewed with Council the information from the beginning of the Wooden Eagle Subdivision project and how parks were never part of the original project.

6. PUBLIC HEARING CALLED TO ORDER AT 6:35 P.M. Mayor James E. Faircloth Jr. called to order a public hearing at 6:35 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).
 - 6a. Petition for rezoning and annexation Application No. R-10-008. Rezone and Annex 14.406 acres from Houston County C-1 & R-AG to City of Perry Planned Unit Development (PUD) for the property located at U.S. 41 at Moss Oak Road. Mayor Faircloth presented a letter from the Planning Commission of its formal and favorable recommendation of approval with the condition that four foot wide sidewalks be incorporated on one side of the street and the buffer planted in accordance with the City of Perry's landscape regulations – Section 71.

Staff Report: Director of Community Development Mike Beecham reviewed with Council the Planning Commission's recommendation for approval of the petition with two conditions and further stated the County has reviewed and approved the petition.

Public Input: Mayor Faircloth called for any public input for or opposed to the petition.

In Favor: Mr. Larry Bryson advised he is the owner of the property and has agreed to the conditions requested by the Planning Commission and they will start cleaning the property tomorrow. Council Member Joe Posey asked when Mr. Bryson expected to start on the project. Mr. Bryson stated as soon as the financing can be arranged. Council Member Randall Walker asked if the houses will be manufactured homes. Mr. Bryson stated the homes will be manufactured homes that will be custom built.

Opposed: None.

Public Hearing Adjourned at 6:37 p.m. Mayor James E. Faircloth Jr. closed the public hearing at 6:37 p.m.

7. Consent Agenda Items: Mayor James E. Faircloth, Jr.

7a. Council Consideration – Minutes of November 15, 2010 work session, November 16, 2010 pre council and November 16, 2010 regular meeting. Council Member Joe Posey motioned to approve the minutes. Council Member Riley Hunt seconded the motion. Council Member Phyllis Bynum-Grace abstained and the motion carried unanimously.

8. Old Business: Mayor James E. Faircloth, Jr.

8a. Ordinances for Second Reading/Consideration of Adoption.

1. **Second Reading** of an ordinance to rezone 6.60 acres from Houston County R-2, Two-Family Residential to City of Perry R-2, Two-Family Residential for the property located on Sandefur Road.

Adoption of Ordinance 2010-28. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to rezone 6.60 acres from Houston County R-2, Two Family Residential to City of Perry R-2, Two-Family Residential for the property located on Sanderfur Road and the denial of the second park waiver. Council Member Phyllis Bynum-Grace motioned to adopt the ordinance as recommended by the Planning Commission. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously. (*Ordinance 2010-28 has been entered in the City's official book of record*).

2. **Second Reading** of an ordinance to annex 6.60 acres from Houston County R-2, Two-Family Residential to City of Perry R-2, Two-Family Residential for the property located on Sandefur Road.

Adoption of Ordinance 2010-29. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to annex 6.60 acres from Houston County R-2, Two Family Residential to City of Perry R-2, Two-Family Residential for the property located on Sanderfur Road and the denial of the second park waiver. Mayor Pro-Tempore Willie King motioned to adopt the ordinance as recommended by the Planning Commission. Council Member Joe Posey seconded the motion and it carried unanimously. (*Ordinance 2010-29 has been entered in the City's official book of record*).

3. **Second Reading** of ordinance to rezone 2.0 acres from R-1, Single Family Residential District to C-2, General Commercial District for the property located at Hardy Park on Forest Hill Drive.

Adoption of Ordinance 2010-30. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to rezone 2.0 acres from R-1, Single Family Residential District to C-2, General Commercial District for the property located at Hardy Park on Forest Hill Drive. Council Member Randall Walker motioned to adopt the ordinance. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Ordinance 2010-30 has been entered in the City's official book of record*).

4. **Second Reading** of an ordinance to amend the Perry Code by adding a new Section 13-71 – Occupying the driver’s seat of a motor vehicle while intoxicated/Marijuana possession.

Adoption of Ordinance 2010-31. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to amend the Perry Code by adding a new Section 13-71 – Occupying the driver’s seat of a motor vehicle while intoxicated/Marijuana possession. Council Member Phyllis Bynum-Grace motioned to adopt the ordinance. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously. (*Ordinance 2010-31 has been entered in the City’s official book of record*).

5. **Second Reading** of an ordinance to amend the Perry Code by deleting Chapter 11 in its entirety and adding a new Chapter 11- Ethics.

Adoption of Ordinance 2010-32. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to amend the Perry Code by deleting Chapter 11 in its entirety and adding a new Chapter 11 - Ethics. Council Member Joe Posey motioned to adopt the ordinance. Council Member Randall Walker seconded the motion and it carried unanimously. (*Ordinance 2010-32 has been entered in the City’s official book of record*).

6. **Second Reading** of an ordinance to amend the FY 10 Operating Budget.

Adoption of Ordinance 2010-33. Mayor James E. Faircloth, Jr. gave the second reading of an ordinance to amend the FY 10 Operating Budget. Council Member Randall Walker motioned to adopt the ordinance. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Ordinance 2010-33 has been entered in the City’s official book of record*).

8b. Alcohol License for Second Reading and Adoption.

1. Council approved the application for Beer/Wine packaged-to-go for Circle 9 Food Mart located at 423 Courtney Hodges Boulevard. Applicant Name Atulkumar A. Patel. Mayor James E. Faircloth, Jr. gave the second reading of an application for alcohol license for Beer/Wine packaged-to-go for Circle 9 Food Mart located at 423 Courtney Hodges Boulevard. Council Member Phyllis Bynum-Grace motioned to approve the application request as submitted. Council Member Riley Hunt seconded the motion and it carried unanimously.

9. Any Other Old Business Matters:

- 9a. Mayor James E. Faircloth, Jr. – None.
- 9b. Others. – None.

10. New Business: Mayor James E. Faircloth, Jr.

- 10a. Ordinances for First Reading and Introduction.

1. **First Reading** of an ordinance to rezone 14.406 acres from Houston County C-1 & R-AG to City of Perry Planned Unit Development (PUD). *(No action required by Council).*
2. **First Reading** of an ordinance to annex 14.406 acres from Houston County C-1 & R-AG to City of Perry Planned Unit Development (PUD). *(No action required by Council).*

10b. Alcohol License Application.

1. **First Reading / Consideration of Adoption:** Application for Name Change Only for Beer Packaged to Go for Georgia CVS Pharmacy, LLC located at 110 Washington Street. Change of name from Revco D D Center to Georgia CVS Pharmacy, LLC.

Council approved the application for name change only for beer packaged to go alcohol license for Georgia's CVS Pharmacy, LLC located at 110 Washington Street. Change of name from Revco D D Center to Georgia CVS Pharmacy, LLC. Mayor James E. Faircloth, Jr. reviewed with Council the application for name change only for Beer packaged to go for Georgia CVS Pharmacy, LLC located at 110 Washington Street. Mayor Pro-Tempore Willie King motioned to approve the application request as submitted. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.

2. **First Reading/Consideration of Adoption:** Application for Name Change Only for Mixed Drinks, Beer/Wine Alcohol License for Ramada Conference Center of Perry located at 200 Valley Drive. Change of name from Holiday Inn of Perry to Ramada Conference Center of Perry. *(One reading/Council's approval).*

Council approved the application for name change only for Mixed Drinks, Beer/Wine alcohol license for Ramada Conference Center of Perry located at 200 Valley Drive. Change of name from Holiday Inn of Perry to Ramada Conference Center of Perry. Mayor James E. Faircloth, Jr. review with Council the application for name change only for Mixed Drinks, Beer/Wine for Ramada Conference Center of Perry located at 200 Valley Drive. Council Member Riley Hunt motioned to approve the application request as submitted. Council Member Joe Posey seconded the motion and it carried unanimously.

3. **First Reading/Consideration of Adoption:** Application for Name Change Only for Wine – Imported Alcohol License for Seven Hills Trading Company, LLC located at 550 Valley Drive. Change of name from Signature Wholesalers, LLC to Seven Hills Trading Company, LLC. *(One reading/Council's approval).*

Council approved the application for name change only for Wine – Imported Alcohol license for Seven Hills Trading Company, LLC located at 550 Valley Drive. Change of name from Signature Wholesalers, LLC to Seven Hills Trading Company, LLC. Mayor James E. Faircloth, Jr. reviewed with Council the application for name change only for Wine – Imported Alcohol License for

Seven Hills Trading Company, LLC located at 550 Valley Drive. Council Member Randall Walker motioned to approve the application request as submitted. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously.

10c. Approved 2011 Alcohol License Renewals for the City of Perry. Mayor James E. Faircloth, Jr. presented the request to approve the 2011 Alcohol License renewals for the City of Perry. Council Member William Jackson motioned to approve the 2011 Alcohol License renewals for the City of Perry. Council Member Randall Walker seconded the motion and it carried unanimously.

10d. Resolutions for Consideration:

1. Adopted Resolution No. 2010-60 readopting five ethics principles to continue participation in the Georgia Certified City of Ethics program. Mayor James E. Faircloth, Jr. reviewed with Council the resolution readopting five ethics principles to continue participation in the Georgia Certified City of Ethics program. Council Member Phyllis Bynum-Grace motioned to adopt the resolution. Council Member William Jackson seconded the motion and it carried unanimously. (*Resolution 2010-60 has been entered in the City's official book of record*).

10e. Matter referred from City Council work session/pre council meeting.

1. Authorized title transfer back to Ms. M.E. Thun- Gragfin Fugger of donated fire station site on Kings Chapel Road. Council Member Riley Hunt motioned to authorize title transfer back to Ms. M.E. Thun-Gragfin Fugger of donated fire station site on Kings Chapel Road. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.

2. Authorized amending water/sewerage utilities specifications to incorporate portable generator specifications per the October 28, 2010 proposal. Council Member William Jackson motioned to authorize amending water/sewerage utilities specifications to incorporate portable generator specifications per the October 28, 2010 proposal. Council Member Randall Walker seconded the motion and it carried unanimously.

3. Authorized proceeding with the upgrade of the Perry Parkway lift station and installation of additional sewer inceptor. Council Member Phyllis Bynum-Grace motioned to authorize proceeding with the upgrade of the Perry Parkway lift station and installation of additional sewer inceptor. Council Member Randall Walker seconded the motion and it carried unanimously.

4. Authorized proceeding with methane monitoring upgrade at Toomer Road landfill. Council Member William Jackson motioned to authorize proceeding with methane monitoring upgrade at Toomer Road landfill. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.

10f. Award of Bids: Consideration of Award.

1. Award of Bid No. 2011-04 – Administrative vehicles - Police. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for seven administrative vehicles for Police division. It is recommended to accept the bid from Brannen Motor Company in the amount of \$141,470.35. Mayor Pro-Tempore Willie King motioned to award the bid as recommended. Council Member Randall Walker seconded the motion and it carried unanimously.
2. Award of Bid No. 2011-04 – Vehicles – Fire. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for a vehicle for fire division. It is recommended to accept the bid from Peach County Ford in the amount of \$25,947.00. Council Member Randall Walker motioned to award the bid as recommended. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.
3. Award of Bid No. 2011-04 – Vehicles – Solid Waste. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for a vehicle for Solid Waste Department. It is recommended to accept the bid from Brannen Motor Company in the amount of \$17,893.05. Mayor Pro-Tempore Willie King motioned to award the bid as recommended. Council Member Riley Hunt seconded the motion and it carried unanimously.
4. Award of Bid No. 2011-04 – Vehicles – Street, Gas and Line Maintenance. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for three vehicles for Street, Gas and Line Maintenance Department. It is recommended to accept the bid from Hamby Automotive in the amount of \$46,907.25. Mayor Pro-Tempore Willie King motioned to award the bid as recommended. Council Member Riley Hunt seconded the motion and it carried unanimously.
5. Award of Bid No. 2011-04 – Vehicles – Street Department. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for two vehicles for Street Department. It is recommended to accept the bid from Hardy Family Ford in the amount of \$23,262.51. Council Member William Jackson motioned to award the bid as recommended. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.
6. Award of Bid No. 2011 -04 – Vehicles – Line Maintenance. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for a vehicle for Line Maintenance Department. It is recommended to accept the bid from Wade Ford in the amount of \$34,770.00. Council Member Randall Walker motioned to award the bid as recommended. Council Member Joe Posey seconded the motion and it carried unanimously.
7. Award of Bid No. 2011-04 – Vehicles – Street Department. Mayor James E. Faircloth, Jr. presented for Council's consideration award of bid for a vehicle for the Street Department. It is recommended to reject the bid and purchase an additional ½ ton crew cab pickup. Council Member Riley Hunt motioned to

reject the bid as recommended. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.

11. Department Head Items. Mayor James E. Faircloth, Jr. asked each department head if they had any items and they responded as follows:

George Potter, Director of Public Safety – Stated they had a very successful weekend with the Christmas parade and Christmas at the Square. Director of Public Safety George Potter stated that due to the number of unsolved vehicle break-in's they will be offering a \$5,000.00 reward through Crime Stoppers for information. Director of Public Safety George Potter stated the website for public safety is in the test phase and should go live in January.

Deputy Chief Joel Gray, Fire Department – No report.

Brenda King, Director of Administration – No report.

Ronnie Jones, Director of Public Works – Stated he wanted to commend Parrish Construction for their work on the Waste Water Treatment Plant projects that is being completed early and under budget.

Mike Beecham, Director of Community Development – Stated he has received the plan for the convenience store on Perimeter Road and the plans have been submitted to DDA for review.

City Manager Lee Gilmour – No report.

City Attorney John Walker – No report.

12. Council Members and General Public Items.

Mayor Pro-Tempore Willie King – No report.

Council Member William Jackson – No report.

Council Member Riley Hunt – No report.

Council Member Randall Walker –No report.

Council Member Joe Posey – Stated he wanted to commend public safety for their professionalism with the events over the weekend.

Council Member Phyllis Bynum-Grace – No report.

General Public:

Mr. Mike Baker invited Mayor and Council to the Ocmulgee Symphony Orchestra that will be performing at the Perry High School on December 11th at 7:30 p.m. Mr. Baker stated he has tickets for the event and they are \$15.00 each.

13. Mayor Items.

Mayor Faircloth extended his congratulations to the Jaycee's for all their hard work on the Christmas parade and also the Ministerial Association for the Christmas at the Square event. Mayor Faircloth stated that Council will not have a second meeting in December; next Council meeting will be on January 4, 2011. Mayor Faircloth wished everyone a very Merry Christmas and a Happy New Year. Mayor Faircloth stated the "Walk with the Mayor" will resume in January.

14. Executive Session entered at 7:15 p.m.: Council Member Riley Hunt moved to adjourn the regular meeting and enter into Executive Session for the purpose of personnel. Mayor Pro-Tempore Willie King seconded the motion and it carried unanimously.
15. Executive Session adjourned; Council regular meeting reconvened. Council adjourned the Executive Session held December 7, 2010 and reconvened into the council regular meeting.
16. Adopted Resolution No. 2010-61 stating purpose of Executive Session held December 7, 2010 was to discuss personnel. Council Member William Jackson moved to adopt a resolution stating the purpose of the Executive Session held on December 7, 2010 was to discuss personnel. Council Member Phyllis Bynum-Grace seconded the motion and it carried unanimously. (*Resolution 2010-61 has been entered in the City's official book of record*).
17. Adjournment: There being no further business to come before Council in the reconvened meeting held December 7, 2010, Mayor Pro-Tempore Willie King motioned to adjourn the meeting. Council Member Randall Walker seconded the motion and it carried unanimously.