

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
January 15, 2013

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer called the meeting to order at 6:06pm.

2. Roll.

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

Elected Official Absent: None.

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

City Departmental Staffing: Fire Chief Joel Gray – Perry Fire & Emergency Services, Mike Beecham – Director of Community Development, Captain William Phelps – Perry Police Department, Brenda King – Director of Administration, Rick Kilgore – Director Parks & Recreation and Christine Sewell - Recording Secretary.

Guests/Speakers: Robert Jones – Youth Minister Grace Church, Ms. Vickie Graham, Mr. Penrose Wolfe, Ms. Mary Lou Simon, Ms. Louise McBride, Mr. James Erdmanczyk, and Mr. Maurice Rutherford.

Press/Media: Mr. John Birdsong - WRWR, Ms. Christina Wright – Macon Telegraph, and Ms. Jessica Clark – Houston Home Journal.

3. Invocation and Pledge of Allegiance to the Flag: Grace Church Youth Minister Robert Jones gave the invocation and Mayor Faircloth led the pledge of allegiance to the flag.

4. Selection of 2013 Mayor Pro-Tempore: Mayor James E. Faircloth, Jr.

Mayor Faircloth called for a nomination for the 2013 Mayor Pro Tempore. Council Member Hunt nominated Council Member Walker; Council Member Walker nominated Council Member Posey. Council Member Walker asked that his nomination be withdrawn as he has previously served as Mayor Pro Tempore. Council Member Hunt withdrew the nomination. Council Member Bynum-Grace seconded Council Member Walker's motion for Council Member Posey as the 2013 Mayor Pro Tempore; motion carried unanimously with Council Member Posey abstaining from the vote.

Mayor Faircloth presented a plaque of appreciation to Council Member Jackson for his past year of service as Mayor Pro Tempore.

5. Recognitions:

- Commodores 9-10 years old – Optimist Bowl

Mr. Rick Kilgore presented to Council the plaque awarded to the Commodores team, all of whom could not be in attendance this evening.

- Seminoles 11 -12 years old – Optimist Bowl.

Mr. Rick Kilgore presented Coach Maurice Rutherford who addressed those in attendance of the team's season success, and thanked all for their continued support. Each member of the team introduced themselves.

Mayor Faircloth and Council congratulated the coach and children on their successful season and encouraged the young people to continue with their athletics and to remember to also be successful in school.

6. Citizens with Input. Mr. James Erdmancyk thanked Council for allowing his attendance at the meeting.
7. Public Hearing: Mayor James E. Faircloth Jr.

The purpose of this Public Hearing is 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).

Mayor Faircloth opened the public hearings at 6:23pm:

- 7a. Petition for Rezoning and De-annexation Application No R-12-04. Ms. Pamela Sharp, request to rezone and de-annex 2.0 acres from City of Perry R-1, Single Family Residential District to Houston County R-AG. The property is located at 2127 Kings Chapel Road.

Staff Report: Director of Community Development Mr. Mike Beecham reviewed with Council the recommendation of the Perry Planning Commission on the rezoning and de-annexation as submitted, which it was noted was the site originally selected for a second fire station, however another location was chosen and since city services could not be provided, the request was submitted.

Public Input: Mayor Faircloth called for any public input for or opposed to the rezoning/de-annexation.

In Favor: Mr. Bill Sharp, the applicant reiterated the request and asked for approval.

Opposed: None.

- 7b. Petition for Rezoning Application No. R-12-05. Ms. Tikisha Hayward, request to rezone 1.44 acres from R-3, Multi-Family Residential District to IN, Institutional District. The property is located at 1115 Forest Street.

Staff Report: Director of Community Development Mr. Mike Beecham reviewed with Council the recommendation of the Perry Planning Commission on the rezoning request submitted, which the applicant intended to operate as an assisted living facility.

Council Member Walker inquired if the property was currently being utilized; Mr. Beecham advised it was not and at one time had been used as a day care by New Hope Church. Council Member Bynum-Grace advised the church no longer runs the day care nor will it be associated with the requested rezoning use.

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

In Favor: None. Opposed: None.

- 7c. Amendment to Perry Land Development Ordinance – Section 75 – Storage and Parking of Trailers, Recreational Vehicles and Commercial Vehicles.

Staff Report: Director of Community Development Mike Beecham reviewed with Council the recommendation of the Perry Planning Commission to approve Section 75 of the Perry Land Development Ordinance. Mr. Beecham noted changes prohibits vehicles larger than a car, but excludes moving vans as they typically are on the premises for a short period of time, as well vehicles used to provide daily transportation to work. Council Member Walker inquired if proposed change prohibited large box trucks in commercial areas; Mr. Beecham advised it did not.

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

In Favor: None. Opposed: None.

Mayor Faircloth closed the public hearings at 6:35pm.

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

- 8a. Council Consideration – Minutes of December 3, 2012 work session meeting, December 4, 2012 pre council meeting and December 4, 2012 regular meeting.

Council Member King motioned to approve the minutes as submitted; Council Member Jackson seconded the motion; Council Member Posey abstained; resulting vote was 5-0 for approval.

- 8b. Council Consideration – Special Called Meeting Minutes of December 6, 2012, December 11, 2012 and December 21, 2012 meetings.

Council Member King motioned to approve the minutes as submitted; Council Member Walker seconded the motion; Council Members Bynum-Grace and Hunt abstained; resulting vote was 4-0 for approval.

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

9a. Ordinances for Second Reading and Adoption.

1. **Second Reading** of an ordinance to amend the Perry Code by adding to Sec. 18-5 – Speed Limit Restrictions.

Adoption of Ordinance No. 2013-01. Council Member Bynum Grace made a motion to adopt an ordinance to amend the Perry Code by adding to Sec. 18-5 – Speed Limit Restrictions. Council Member Jackson seconded the motion and it carried unanimously. (*Ordinance No. 2013-01 has been entered into the City's official book of record*).

9b. Alcohol License for Second Reading and Adoption:

1. **Second Reading:** Application for change of ownership from Jitu Patel to SAI Grocery LLC d/b/a Neighbors Grocery located at 1205 N Main Street. Applicant name is Santokben Patel.

Council approved application for change of ownership from Jitu Patel to SAI Grocery LLC d/b/a Neighbors Grocery located at 1205 N Main Street. Applicant name is Santokben Patel. Mayor Faircloth gave the second reading of an application for change of ownership from Jitu Patel to SAI Grocery LLC d/b/a Neighbors Grocery located at 1205 N Main Street. Applicant name is Santokben Patel. Council Member Bynum Grace motioned to approve the request as submitted; Council Member King seconded; all in favor and was unanimously approved.

10. Any Other Old Business Matters:

- 11a. Mayor James E. Faircloth, Jr. – None
- 11b. Others – None

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

11a. Matters referred from January 3, 2013 work session, January 14, 2013 work session and January 15, 2013 pre council meeting.

- Approval of agreement of Power of Attorney with Mr. Clifford Harpe relative sales tax refund on major water/sewer projects subject to City Attorney review.

Council Member Walker motioned to approve subject to review by City Attorney and City Manager; Mayor Pro Tempore Posey seconded; all in favor and was unanimously approved.

- Approval of stormwater engineering consultant.

Council Member Hunt motioned to approve ESG Operations, Inc. for stormwater engineering consultant; Council Member King seconded; all in favor and was unanimously improved.

- Approval of PACVBA request for City support relative 9th Annual Peaches to Beaches Yard Sale

Council Member Walker motioned to approve of PACVBA request for City support relative 9th Annual Peaches to Beaches Yard Sale; Council Member Hunt seconded; all in favor and was unanimously approved.

- Approval of match appropriation for Artisan Center project.

Mr. Gilmour advised the City's portion would be up to \$6,000 which would be funded from the restricted Hotel/Motel tax fund.

Council Member Bynum Grace motioned to approve match appropriation for Artisan Center project in the amount of \$6,000.00; Council Member Jackson seconded; all in favor and was unanimously approved.

- Approval of gas operations building furnishings and shelving purchase request.

Ms. Brenda King advised of quotes received and it was recommended to approve the amount of \$13,406.80 from Office Depot. Anticipated move in date was February 01st.

Council Member King motioned to approve request of gas operations building furnishings and shelving purchase request in the amount of \$13,406.80 from Office Depot; Council Member Walker seconded; all in favor and was unanimously approved.

11b. Ordinances for First Reading and Introduction.

1. **First Reading** of an ordinance to de-annex 2.0 acres from City of Perry R-1, Single Family Residential District to Houston County R-AG. The property is located at 2127 Kings Chapel Road. *(No action required by Council).*
2. **First Reading** of an ordinance to rezone 1.44 acres from R-3, Multi-Family Residential District to IN, Institutional District. The property is located at 1115 Forest Street. *(No action required by Council).*
3. **First Reading** of an ordinance to amend Perry Land Development Ordinance Section 75 – Storage and Parking of Trailers, Recreational Vehicles and Commercial Vehicles. *(No action required by Council).*
4. **First Reading** of an ordinance to amend the Perry Code by deleting the first paragraph under Section 22-10(d) Service Charges and Subsection (1) under said section and adding a new first paragraph. *(No action required by Council).*
5. **First Reading** of an ordinance to amend the Perry Code by deleting the definition of “Brown bagging” in Section 3-1 in its entirety and adding a new definition. *(No action required by Council).*

11c. Alcohol License for First Reading and Introduction:

1. **First Reading:** Application for Alcohol License for Beer/Wine Packaged To Go for new owner Alliya Food Inc. d/b/a Speedy #3 located at 1542 Houston Lake Road. Owner/Applicant name is Parth Patel. *(No Action required at first reading).*
2. **First Reading:** Application for Alcohol License for Beer/Wine Packaged to Go for new owner G Town Food Inc. d/b/a Speedy #4 located at 101 Marshallville Road. Owner/Applicant name is Parth Patel. *(No Action required at first reading).*

11d. Resolutions for Consideration.

1. Adopted Resolution No. 2013-01 amending the City of Perry Fee Schedule.

Mr. Gilmour advised increase was for adjustment on utility billing for sewage charges and spring soccer fee registration.

Council Member Walker motioned to adopt the amendment to the City of Perry Fee Schedule; Council Member King seconded; all in favor and was unanimously approved. *(Resolution No. 2013-01 has been entered in the City's official book of record.*

2. Adopted Resolution No. 2013-02 appointing Stephen Lynn Police Chief.

Council Member Hunt motioned to adopt resolution appointing Stephen Lynn Police Chief; Council Member King seconded; all in favor and was unanimously approved. *(Resolution No. 2013-02 has been entered in the City's official book of record)*

- 11e. Consider request from Cub Scout #419 for waiver of fees for use of the James E. Worrall Community Center, February 1 – 3, 2013.

Council Member King motioned to approve request from Cub Scout #419 for waiver of fees for use of the James E. Worrall Community Center, February 1 – 3, 2013; Council Member Jackson seconded; all in favor and was unanimously approved.

- 11f. Consider request from Laura Mullis for permission to install bench at Woodlawn Cemetery.

Council Member Hunt was concerned the placement of the bench would pose a maintenance issue to the City.

Council Member Jackson motioned to approved request from Laura Mullis for permission to install bench at Woodlawn Cemetery; Mayor Pro Tempore Posey seconded; Council Member Hunt opposed; resulting vote was 5 to 1 for approval.

- 11g. Authorize closure of Main Street/Carroll Street between Ball Street/Jernigan Street on May 11, 2013 for arts event.

Mr. Gilmour noted request had been revised to include Jernigan Street between Main and Carroll Streets.

Council Member Jackson motioned to authorize closure of Main Street/Carroll Street between Ball Street/Jernigan Street, and Jernigan Street between Main and Carroll Streets on May 11, 2013 for arts event; Council Member Walker seconded; all in favor and was unanimously approved.

- 11h. Consideration of waiving rental fee for Art of Chocolate event at Perry Arts Center on February 16, 2013.

Council Member Walker motioned to approve waiving rental fee for Art of Chocolate event at Perry Arts Center on February 16, 2013; Council Member Hunt seconded; all in favor and was unanimously approved.

- 11i. Consider fee waiver request for Martin Luther King Jr. march on January 21, 2013 at 9:00 a.m.

Council Member Bynum-Grace motioned to approve fee waiver request for Martin Luther King Jr. march on January 21, 2013 at 9:00 am; Council Member Walker seconded; all in favor and was unanimously approved.

Items added to agenda from pre Council meeting

- 11j. Request for waiver on health insurance policy determination

Mr. Gilmour advised request was from the health insurance's third party administrator that a clause in the policy allowed for self-inflicted injury claims to be excluded; the employee requested Council to review. Per Mr. Gilmour the claim had originally been denied due to the clause. The estimated cost range is projected to be between \$9,674.00 to \$14,078.00, the final amount will depend on discounts allowed by providers. Discussion ensued on the potential for exposing the City by setting a precedent; it was determined it would not and the recommendation of Administration was approval.

Mayor Pro Tempore Posey motioned to approve the request for the waiver on the health insurance policy determination; Council Member Bynum Grace seconded; Council Members Hunt and King were opposed; the resulting vote was 4 to 2 for approval.

- 11k. Request from Tolleson Lumber for use of City right-of-way for fencing on Ball Street Extension subject to City Attorney review.

Council Member Jackson motioned to approve request from Tolleson Lumber for use of City right-of-way for fencing on Ball Street Extension subject to City Attorney review; Council Member King seconded; all in favor and was unanimously approved. *Council Member Bynum –Grace was not present for vote.

12. Department Head Items – Mayor Faircloth asked each department head if they had any items and they responded as follows:

Captain Phelps provided an update on Lieutenant Hill who was involved in an automobile accident earlier today; he is currently at the Macon Medical Center with minor injuries and is expected to be released this evening.

Mr. Mike Beecham – for the 2012 calendar year the Department of Community Development issued 123 single family permits; 91 issued the previous year. For the third year in a row the commercial vacancy survey showed improvement.

Mr. Rick Kilgore – the marquee purchased increased youth basketball participation to 200; sign at Keith Drive is completed and a ribbon cutting ceremony had been held for disk golf.

Mr. Gilmour, Mr. Walker, and Ms. King had no reports.

13. Council Member and General Public Items.

No reports from any Council Member.

Ms. Mary Lou Simon inquired on the Creekwood sidewalk project and why only one side would be done; Mr. Gilmour advised project commencement would be late Summer or Fall and would run on one side from General Courtney Hodges to Ida Lasseter Circle per City policy. Ms. Simon also inquired if extension of sidewalk could include to the end of Creekwood Drive; Mr. Gilmour advised it would be reviewed.

Ms. Theresa Duncan with Oak Dale Baptist Church requested a fee waiver at Rozar Park for an upcoming event in March. Mayor Faircloth advised request had been received, and asked she coordinate with Mr. Kilgore and the item would be brought back forth to Council.

Mr. James Erdmanczyk wanted to thank the secretaries of the City as they have been helpful in providing information when requested.

Mr. Christopher Strossberger thanked Mayor and Council for implementing disk golf and he is currently working on a tournament for January 26th, as well was looking into instructional classes, as there has been a great response to the program.

Mr. Robert Jackson thanked Mayor and Council for the job they do and wished the new Police Chief well.

14. Mayor Items.

Reminder of upcoming Walk with Mayor & Council on January 22nd at Welcome Park.

Thanked Council Member Jackson again for his past service as Mayor Pro Tempore.

15. Adjourn. There being no further business to come before Council Mayor Faircloth adjourned the meeting at 7:32pm.