

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
JUNE 18, 2013
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 June 18, 2013 at 6:00 p.m.

2. Roll.

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

Elected Officials Absent: None.

Staff: City Manager Lee Gilmour and City Attorney David Walker

City Departmental Staffing: Chief Joel Gray – Perry Fire and Emergency Services, Assistant Fire Chief Stanton – Perry Fire and Emergency Services, Chief Steve Lynn – Perry Police Department, Brenda King – Director of Administration, Ricky Kilgore – Director of Department of Recreation and Cyndi Houser – Recording Secretary.

Guests: Robbin Jackson, Vickie Graham, Lindsey Bailey, Mary Lou Simon, Troy Rowell, Dr. Tracy Brinson, and Jerod Wimms

Press/Media: Ms. Christina Wright – Macon Telegraph, Ms. Rebecca Vivas - ComSouth

3. Invocation and Pledge of Allegiance to the Flag: Rev. Marylou Simon of Faith Bible Fellowship Church led the invocation and Council Member Riley Hunt led the pledge of allegiance to the flag.

Special Recognition: Mayor Faircloth presented a City lapel pin to Jerod Wimms, Perry Fire Department firefighter, to wear while he is participating in the U.S. Police and Fire Games in San Diego, California the weekend of June 22nd.

4. Citizens with Input: None

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

5a. Council Consideration-Minutes of June 3, 2013 work session, June 4, 2013 pre-council meeting, and June 4, 2013 council meeting. Council Member Jackson made a motion that the minutes be approved as presented. Motion was seconded by Council Member Hunt. Motion carried unanimously.

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

- 6a. **Second Reading** of an ordinance to rezone approximately 1.748 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-1, Single Family Residential District. The property is located on Tucker Road.

Adoption of Ordinance No. 2013-12 approving the rezoning of approximately 1.748 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-1, Single Family Residential District. Council Member Bynum-Grace made a motion to approve the rezoning of approximately 1.748 acres from Houston County R-AG, Residential Agricultural to City of Perry R-1 Single Family. The property is located on Tucker Road. Council Member King seconded; all in favor and was unanimously approved. (*Ordinance No. 2013-12 has been entered into the City's official book of record*).

Second Reading of an ordinance to annex approximately 1.748 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-1, Single Family Residential District. The property is located on Tucker Road.

Adoption of Ordinance No. 2013-13 approving the annexation of approximately 1.748 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-1, Single Family Residential District. Council Member Jackson made a motion to approve the annexation of approximately 1.748 acres from Houston County R-AG, Residential Agricultural to City of Perry R-1 Single Family. The property is located on Tucker Road. Council Member King seconded; all in favor and was unanimously approved. (*Ordinance No. 2013-13 has been entered into the City's official book of record*).

Second Reading of an ordinance to rezone approximately .58 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-3, Multi-Family Residential District. The property location is Pebble Creek.

Second Reading of an ordinance to annex approximately .58 acres from Houston County R-AG, Residential Agricultural District to City of Perry R-3, Multi-Family Residential District. The property location is Pebble Creek.

Mayor Faircloth advised Council that these two items could not be voted on until more information is received from the Houston County Board of Commissioners. Mayor Faircloth then entertained a motion to table these two readings. Council Member Walker made a motion to table the rezoning and annexation of approximately .58 acres from Houston County R-AG, Residential Agricultural to City of Perry R-3, Multi-Family. Council Member Posey seconded; all in favor and was unanimously approved.

Second Reading of an ordinance amending the Perry Code by adding a new Sec. 17-63- Resisting, interfering with officers.

Chief Lynn explained the change was submitted to coincide more closely with the State code and allow Perry's officers to file charges in City court. This section was added at the recommendation of Municipal Court Judge Herb Wells. Dr. Tracy Brinson addressed the Council asking if this ordinance would be considered a felony. City Attorney David Walker explained that the amendment is a violation of City code and would offer law enforcement the

option to charge a person resisting or interfering with a lesser charge, if the officer felt the situation warranted. Law enforcement would still have the option of charging in state court.

Adoption of Ordinance No. 2013-14 approving the amendment of the Perry Code by adding a new Sec. 17-63-Resisting, interfering with officers. Council Member Bynum-Grace motioned to approve the adoption of new Sec. 17-63- Resisting, interfering with officers. Council Member Hunt seconded; all in favor and was unanimously approved. (*Ordinance No. 2013-14 has been entered into the City's official book of record*).

Second Reading of an ordinance amending the Perry Code by deleting Sec. 17-54(a) in its entirety and adding a new Sec. 17-54(a).

Municipal Court Judge Herb Wells recommended this section be amended to offer clarification of the code.

Adoption of Ordinance No. 2013-15 approving the amendment of the Perry Code by deleting Sec. 17-54(a) in its entirety and adding a new Sec. 17-54(a). Council Member King motioned to approve the amendment of the Perry Code by deleting Sec. 17-54(a) in its entirety and adding a new Sec. 17-54(a). Council Member Hunt seconded; all in favor and was unanimously approved. (*Ordinance No. 2013-15 has been entered into the City's official book of record*).

Second Reading of an ordinance adopting FY14 Operating Budget for the City of Perry.

Mr. Gilmour explained the proposed budget contained the recommendations, corrections and adjustments from the last budget session. The budget does not have any property tax increase and the administration recommends adoption. Mayor Faircloth stated this was the culmination of several budget sessions and commended Mr. Gilmour, staff, department heads and employees for making it possible to put the City in its current stable financial position. The budget will be evaluated on a quarterly basis particularly after the publication of the tax digest to determine if further adjustments are needed.

Adoption of Ordinance No. 2013-16 approving the adoption of FY14 Operating Budget for the City of Perry. Council Member Posey motioned to approve the ordinance adopting FY14 Operating Budget for the City of Perry. Council Member Hunt seconded; all in favor and was unanimously approved. (*Ordinance No. 2013-16 has been entered into the City's official book of record*).

Second Reading of an ordinance amending the Perry Code Sec. 3-51.

Mr. Gilmour stated this ordinance amends the alcohol and beverage section allowing a business that has a retail alcoholic license (or "pouring" license) and meets the requirement for alcoholic caterer, to not be charged an extra fee to pour for off-site functions. Mayor reminded Council this amendment was the result of many previous discussions regarding this matter.

Adoption of Ordinance No. 2013-17 amending the Perry Code Sec. 3-51. Council Member King motioned to approve the ordinance amending the Perry Code Sec. 3-51. Council Member

Walker seconded; all in favor and was unanimously approved. (*Ordinance No. 2013-17 has been entered into the City's official book of record*).

7. Any Other Old Business Matters:

- 7a. Mayor James E. Faircloth, Jr. – None
- 7b. Council/Manager/Attorney – None

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

8a. Matters referred from the June 17, 2013 work session and June 18, 2013 pre-council meeting.

- 1. Intergovernmental Agreement with Peach County relative to the Energy Excise Tax Program. Mayor Faircloth reminded Council of discussions for this program in Houston County. The City opted to not enact the program. However, Peach County has opted to enact the program and requires an agreement from the City because there are some properties within the Perry city limits which are physically in Peach County. This program is geared toward industrial properties and although it will not currently affect those few properties located in Peach County and the City of Perry, Peach officials have opted to participate in the program. Mayor Faircloth recommended moving forward with the agreement.

Approve the Intergovernmental Agreement with Peach County relative to the Energy Excise Tax program. Council Member Walker moved to enter into an Intergovernmental Agreement with Peach County relative to the Energy Excise Tax Program. Council Member King seconded; all in favor and was unanimously approved.

8b. Resolution(s) for Consideration

- 1. Resolution to accept the water and sewer systems, only, for Wooden Eagle Subdivision, Phase 3, Section 3.

Staff made a recommendation to accept the water and sewer systems for Wooden Eagle Subdivision, Phase 3, Section 3, based on the installations meeting the standard specifications in the Perry City Code. Council Member King motioned to accept the water and sewer systems. Council Member Hunt seconded; all in favor and was unanimously approved. (*Resolution 2013-24 has been entered into the City's official book of record*).

8c. Adoption of current resurfacing list.

Mr. Gilmour presented a list of streets which are recommended for resurfacing during FY14. The list may be adjusted later with priority of streets depending on the amount of LMIG monies received. Council Member Hunt moved that the recommended list be approved. Council Member King seconded; all in favor and was unanimously approved.

9. Department Head Items

Chief Lynn, Chief Gray, Ms. King and Mr. Kilgore had no reports

10. Council Member and General Public Items.

Council Members King, Jackson, Hunt, Walker, and Bynum-Grace had no reports. Council Member Posey read a statement announcing that he would be running for his council seat during the next election.

City Attorney Walker – no report

City Manager - no report

Dr. Tracy Brinson asked Council to consider changing the new ordinance to a felony. City Attorney Walker advised that law enforcement officers have the option to charge a particularly violent suspect with a felony through the state court. The new ordinance allows officers more discretion when charging a person with interference.

Robbin Jackson announced that he had a new book coming out soon and would notify Council when it is available for purchase.

Rebecca Vivas of WRWR informed Mayor and Council this was her last time recording Council meetings. Ms. Vivas stated she has enjoyed getting to know everyone, but has accepted a position with a marketing firm in Atlanta.

11. Mayor Items

The annual David Pierce Memorial Luncheon sponsored by Rotary will take place on Wednesday, June 19, 2013 at the Century of Flight Hanger at the Robins AFB Museum. Former Chief Potter is the guest of honor.

Mayor, Council and some City staff will be attending the annual Georgia Municipal Association convention in Savannah June 21-24th. Mayor Faircloth encouraged all attendees to come back with ideas for increasing revenues for the City without raising taxes.

The “Walk with the Mayor” for this month has been postponed.

12. Adjourn

There being no further business to come before Council, Mayor Faircloth adjourned the June 18, 2014 meeting at 6:33 pm.