



Where Georgia comes together.

REGULAR MEETING OF THE PERRY CITY COUNCIL
September 20, 2016
6:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor James E. Faircloth, Jr.
4. Presentation(s)/Recognition(s): Mayor James E. Faircloth, Jr.
 - * Recognition of Alton Ellis for 25 years of service – Mr. K. Dye
 - * Recognition of Lt. Jack Johnson for 20 years of service – Chief S. Lynn
5. 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).

- 5a. Petition for Rezoning Application No. R-16-03. Applicant, TL-Higdon's Mulligan LLC request to alter the standards for the existing Planned Unit Development #10. The property is located in Walker Farms Subdivision: Lots 1, 2, 3, 4, 38, 39, 40, 163, 164, 165, 166, 193 and 194.
- 5b. Amendment to Perry Land Development Ordinance Article XV Soil Erosion and Sedimentation Control.
- 5c. Amendment to Perry Land Development Ordinance Section Downtown Development District of the City of Perry Architectural and Sign Control Standards for Certificate of Appropriateness Permit; Section 46 Downtown Development District Certificate of Appropriateness.
- 5d. Consider maintaining 2016 Maintenance and Operations property tax millage rate at 14.050 mills.
6. Citizens with Input.
7. Consent Agenda Items: Mayor James E. Faircloth, Jr.
 - 7a. Council's Consideration – Minutes of the September 6, 2016 pre council

meeting, September 6, 2016 council meeting and September 14, 2016 special meeting.

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

8a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance amending the Perry Land Development Ordinance Section 80.1.2 and 80.6.2 – Article VIII – Use Requirements by District.
2. **Second Reading** of an ordinance Authorizing and Adopting Post Issuance Compliance Policies and Procedures for Governmental Tax-Exempt Bonds and Tax Credit Bonds.

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

- 9a. Mayor James E. Faircloth, Jr.
- 9b. Council Members
- 9c. City Manager Lee Gilmour
- 9d. City Attorney David Walker

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

10a. Matters referred from September 20, 2016 pre council meeting.

10b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance altering the standards for the existing Planned Unit Development #10. The property is located in Walker Farms Subdivision: Lots 1, 2, 3, 4, 38, 39, 40, 163, 164, 165, 166, 193 and 194. *(No action required by Council)*
2. **First Reading** of an ordinance amending the Perry Land Development Ordinance Article XV Soil Erosion and Sedimentation Control. *(No action required by Council)*
3. **First Reading** of an ordinance amending the Perry Land Development Ordinance Section Downtown Development District of the City of Perry Architectural and Sign Control Standards for Certificate of Appropriateness Permit; Section 46 Downtown Development District Certificate of Appropriateness. *(No action required by Council).*

10c. Consider authorizing installation of irrigation well:

1. Irrigation well at Perry Preserve.
2. Irrigation well at Oliver Place.

10d. Perry Housing Week Report – Mr. R. Smith.

11. Department Head Items.
12. Council Members Items:
13. General Public Items:
14. Mayor Items:
15. Adjourn.



Where Georgia comes together.

Department of Community Development

**Public Hearing
Sept. 20, 2016
Tuesday @ 6:00 PM**

August 23, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

Re: Rezoning Application #R-16-03
Walker Farm Subdivision, Perry
Lots 1,2,3,4,38,39,40,163,164,165,166,193 & 194

Dear Mayor and Council:

On August 22, 2016 the Perry Planning Commission reviewed the above referenced petition for a rezoning request as submitted by TL-Higdon's Mulligan, LLC for the above noted location.

The request was for an alteration to the standards for the existing Planned Unit Development #10.

The Perry Planning Commission recommended denial of the application as submitted.

Sincerely,

Jacob W. Poole, Chairman
Perry Planning Commission

JWP/cs

STAFF REPORT

CASE NUMBER: R-16-03

APPLICANT: TL-Higdon's Mulligan LLC.

REQUEST: Alter the standards for the existing PUD #10

LOCATION: Walker Farms S/D Lots 1, 2, 3, 4, 38, 39, 40, 163, 164, 165, 166, 193, & 194.

ADJACENT ZONING/LANDUSES:

Parcel: PUD	Vacant Land/Single Family
North: PUD	Vacant Land
South: PUD	Vacant Land/Single Family
East: PUD	Vacant Land/ Single Family
West: PUD	Vacant Land/Single Family

STANDARDS GOVERNING ZONE CHANGES:

1. *The suitability of the subject property for the zoned purposes. The property is currently zoned PUD. The applicant desires to change a condition of the PUD*
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions. The market for the style of development originally proposed has not materialized.*
3. *The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public. The destruction of property values does not promote public welfare.*
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner. The gain to the public may be a more desirable style of dwelling.*
5. *Whether the subject property has a reasonable economic use as currently zoned. The property has a reasonable use as currently zoned.*
6. *The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property. There has not been a building permit issued for a new dwelling in Walker Farms since 2011. All developed lots not having the requirement of a rear entry drive off the access easement have been developed.*
7. *Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property. The proposed change will allow drive ways to enter off the boulevard which seems to be one of the contributing factors for these lots not developing.*

8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* The proposed zoning will change the boulevard overall design and create the potential for traffic issues if the condition is removed. The boulevard is designed to move traffic through the neighborhood. There are six dwellings currently facing the boulevard, three corner lots have a side street entry.

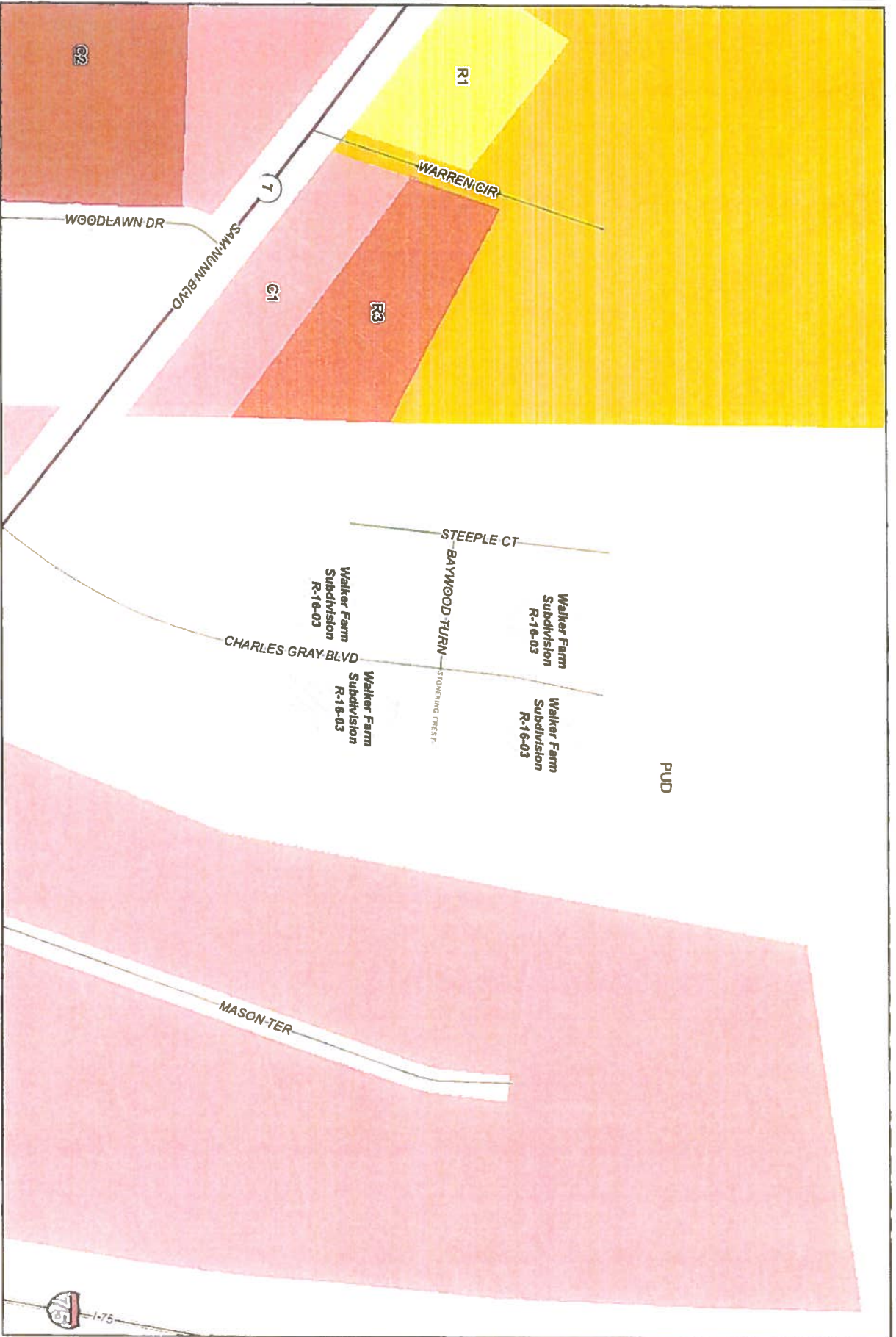
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The Character Area Map from 2007 depicts this area as Urban Residential. The proposed change is in conformance with the land use plan.

10. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.* The proposal will allow the development to be served with sanitary sewer instead of septic tank and should result in a section of an unpaved street being improved.

11. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.* Its reasonable to conclude the rear entry lots are not favorable to develop given all other lots are developed. However, the concept to take the boulevard to the Perry Parkway must be considered the priority.

STAFF CONCLUSIONS:

The applicant desires to remove the condition of a rear entry only driveway for the thirteen lots listed. There has been no new permit issued since 2011. The only lots available to develop today require a rear entry driveway across the easement. Changing the condition may allow the thirteen lots to develop more quickly. The big picture here is whether or not future development of Walker's Farm is going to be with a true boulevard that has no driveways connecting or allow driveways to enter from the boulevard and impede the flow of traffic. The original PUD classification was for the condition of no driveways from the boulevard. There are three different property owners and eight tenths of a mile of new road to be constructed in order for the boulevard to connect to the Perry Parkway. I was not able to determine if the property owners, Cutcord 100 LLC, Notes Acquisitions LLC or the applicant have plans to develop the remainder of the properties as originally submitted. Staff is not in favor of the request. The need to have a connector between the Perry Parkway and Sam Nunn Boulevard was a factor in approving the original PUD Classification.



Legend

	Perry Zoning		C3		M2
	LC		GU		R2A
	C1		IN		R3
	C2		M1		RAG
			R1		RMH



City of Perry Zoning Review

Case: R-16-03



TL-Higdon's Mulligan LLC
 42 Brunswick Point Drive
 Brunswick, GA 31525

Phone: (404) 219-5559
 Email: bob@gazellecre.com

Date:	7-19-2016
Sent to:	Houston County Tax Commissioner City of Perry
Re:	List of 13 lots fronting Charles Gray Blvd (Perry, GA) TL-Higdon's Mulligan LLC, current owner

One check is enclosed for the payment of the following properties:

Lot Count	Tax Parcel #	Address & Lot # (Phase I of Walker Farms)	Lot #	Description
1	0P0690 001000	200 CHARLES GRAY BLVD (LOT #: 1)	1	Walker Farms S/D Phase I Lot #: 1
2	0P0690 002000	202 CHARLES GRAY BLVD (LOT #: 2)	2	Walker Farms S/D Phase I Lot #: 2
3	0P0690 003000	204 CHARLES GRAY BLVD (LOT #: 3)	3	Walker Farms S/D Phase I Lot #: 3
4	0P0690 004000	206 CHARLES GRAY BLVD (LOT #: 4)	4	Walker Farms S/D Phase I Lot #: 4
5	0P0690 038000	304 CHARLES GRAY BLVD (LOT #: 38)	38	Walker Farms S/D Phase I Lot #: 38
6	0P0690 039000	306 CHARLES GRAY BLVD (LOT #: 39)	39	Walker Farms S/D Phase I Lot #: 39
7	0P0690 040000	308 CHARLES GRAY BLVD (LOT #: 40)	40	Walker Farms S/D Phase I Lot #: 40
8	0P0690 163000	309 CHARLES GRAY BLVD (LOT #: 163)	163	Walker Farms S/D Phase I Lot #: 163
9	0P0690 164000	307 CHARLES GRAY BLVD (LOT #: 164)	164	Walker Farms S/D Phase I Lot #: 164
10	0P0690 165000	305 CHARLES GRAY BLVD (LOT #: 165)	165	Walker Farms S/D Phase I Lot #: 165
11	0P0690 166000	303 CHARLES GRAY BLVD (LOT #: 166)	166	Walker Farms S/D Phase I Lot #: 166
12	0P0690 193000	203 CHARLES GRAY BLVD (LOT #: 193)	193	Walker Farms S/D Phase I Lot #: 193
13	0P0690 194000	201 CHARLES GRAY BLVD (LOT #: 194)	194	Walker Farms S/D Phase I Lot #: 194

SUBJECT PROPERTY

1. TOTAL AREA OF SITE APPROX. 10.5 ACRES
2. TOTAL AREA OF PAVED 1.5 ACRES
3. TOTAL AREA OF DRIVEWAY 1.5 ACRES
4. TOTAL AREA OF DRIVEWAY 1.5 ACRES
5. TOTAL AREA OF DRIVEWAY 1.5 ACRES
6. TOTAL AREA OF DRIVEWAY 1.5 ACRES
7. TOTAL AREA OF DRIVEWAY 1.5 ACRES
8. TOTAL AREA OF DRIVEWAY 1.5 ACRES
9. TOTAL AREA OF DRIVEWAY 1.5 ACRES
10. TOTAL AREA OF DRIVEWAY 1.5 ACRES

SUBDIVIDER

THE FARM GROUP
1000 W. BROADWAY
ATLANTA, GEORGIA 30308
PHONE 478-555-4477

24-HR CONTACT

PHONE NO.
478-555-4477

OWNER'S CERTIFICATION

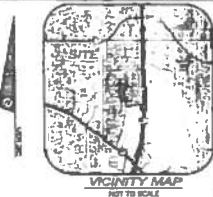
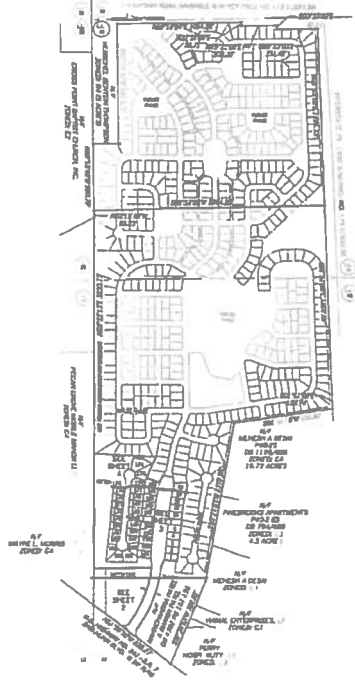
I, the undersigned, certify that I am the owner of the land shown on this plan and intend to use the same for the purposes shown on this plan. I have read the plan and understand the same and agree to be bound by the same.

CERTIFICATE OF APPROVAL BY THE COUNCIL

I, the undersigned, certify that I am the Mayor of the City of Point and I have read and approved the plan and the same is in accordance with the laws and ordinances of the City of Point.

CERTIFICATION OF FINAL APPROVAL BY THE COMMISSION

I, the undersigned, certify that I am the Chairman of the Planning Commission and I have read and approved the plan and the same is in accordance with the laws and ordinances of the City of Point.



GENERAL NOTES

1. THIS PROPERTY IS LOCATED IN A SPECIAL PLANNED AREA AS PER THE CITY OF POINT ZONING ORDINANCE, CHAPTER 116, ARTICLE 116-11.

SURVEYOR'S CERTIFICATION

I, the undersigned, certify that I am a Licensed Professional Surveyor in the State of Georgia and I have surveyed the land shown on this plan. I have read the plan and understand the same and agree to be bound by the same.

RESIDENTIAL DEVELOPMENT STANDARDS

1. FRONT YARD SETBACK - ALL LOTS FRONTING ON THE 11 STREET SHALL HAVE A FRONT YARD SETBACK OF NOT LESS THAN 10 FEET.
2. SIDE YARD SETBACK - ALL LOTS FRONTING ON THE 11 STREET SHALL HAVE A SIDE YARD SETBACK OF NOT LESS THAN 5 FEET.
3. REAR YARD SETBACK - ALL LOTS FRONTING ON THE 11 STREET SHALL HAVE A REAR YARD SETBACK OF NOT LESS THAN 5 FEET.
4. MINIMUM LOT AREA - ALL LOTS SHALL BE NOT LESS THAN 10,000 SQUARE FEET.
5. MINIMUM LOT FRONT SETBACK - ALL LOTS SHALL HAVE A FRONT SETBACK OF NOT LESS THAN 10 FEET.
6. MINIMUM LOT SIDE SETBACK - ALL LOTS SHALL HAVE A SIDE SETBACK OF NOT LESS THAN 5 FEET.
7. MAXIMUM BUILDING HEIGHT - ALL BUILDINGS SHALL BE NOT MORE THAN 35 FEET HIGH.

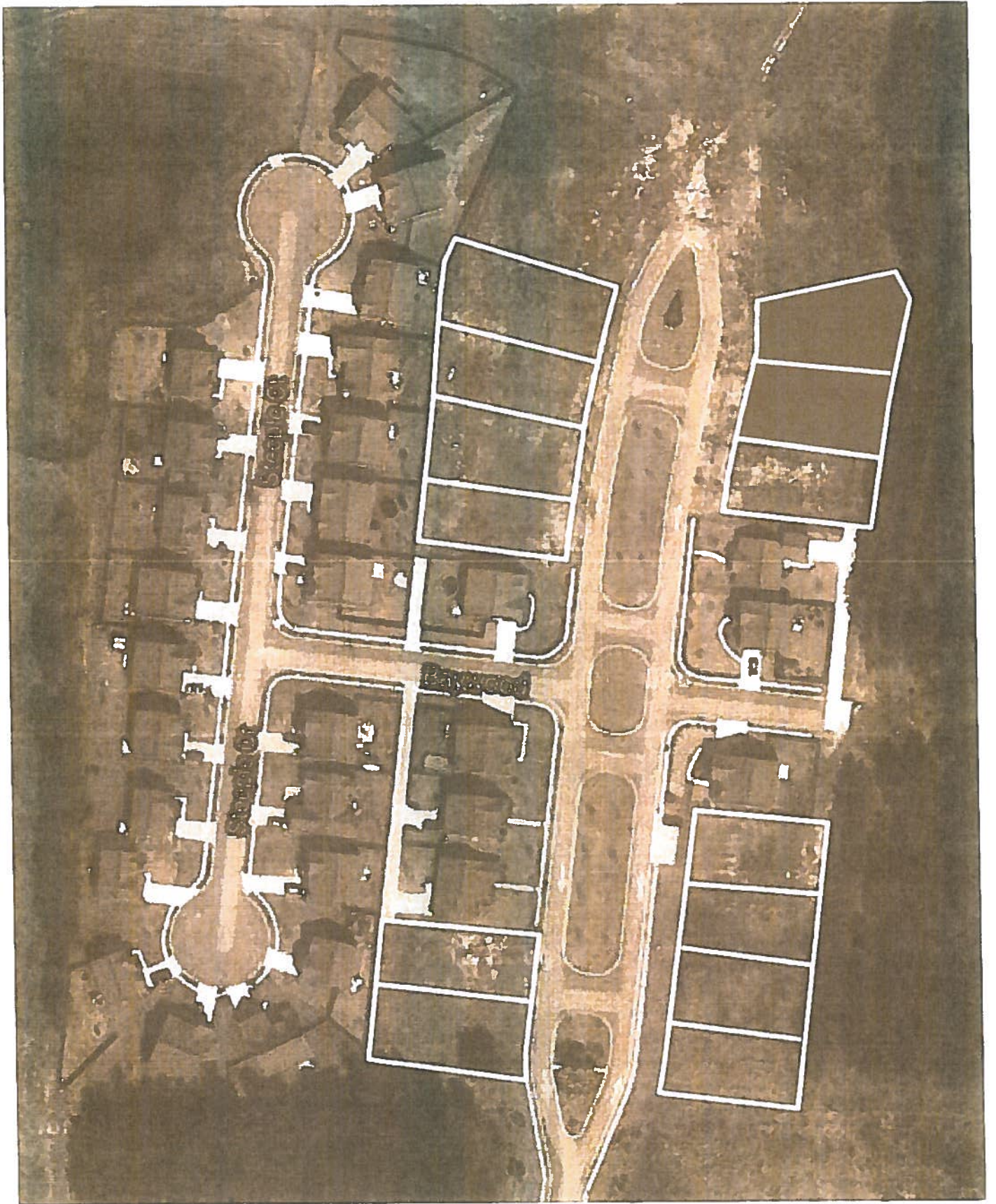
WALKER FARM SUBDIVISION PHASE 1

POINT TO POINT LAND SURVEYORS
1000 W. BROADWAY
ATLANTA, GEORGIA 30308
PHONE 478-555-4477



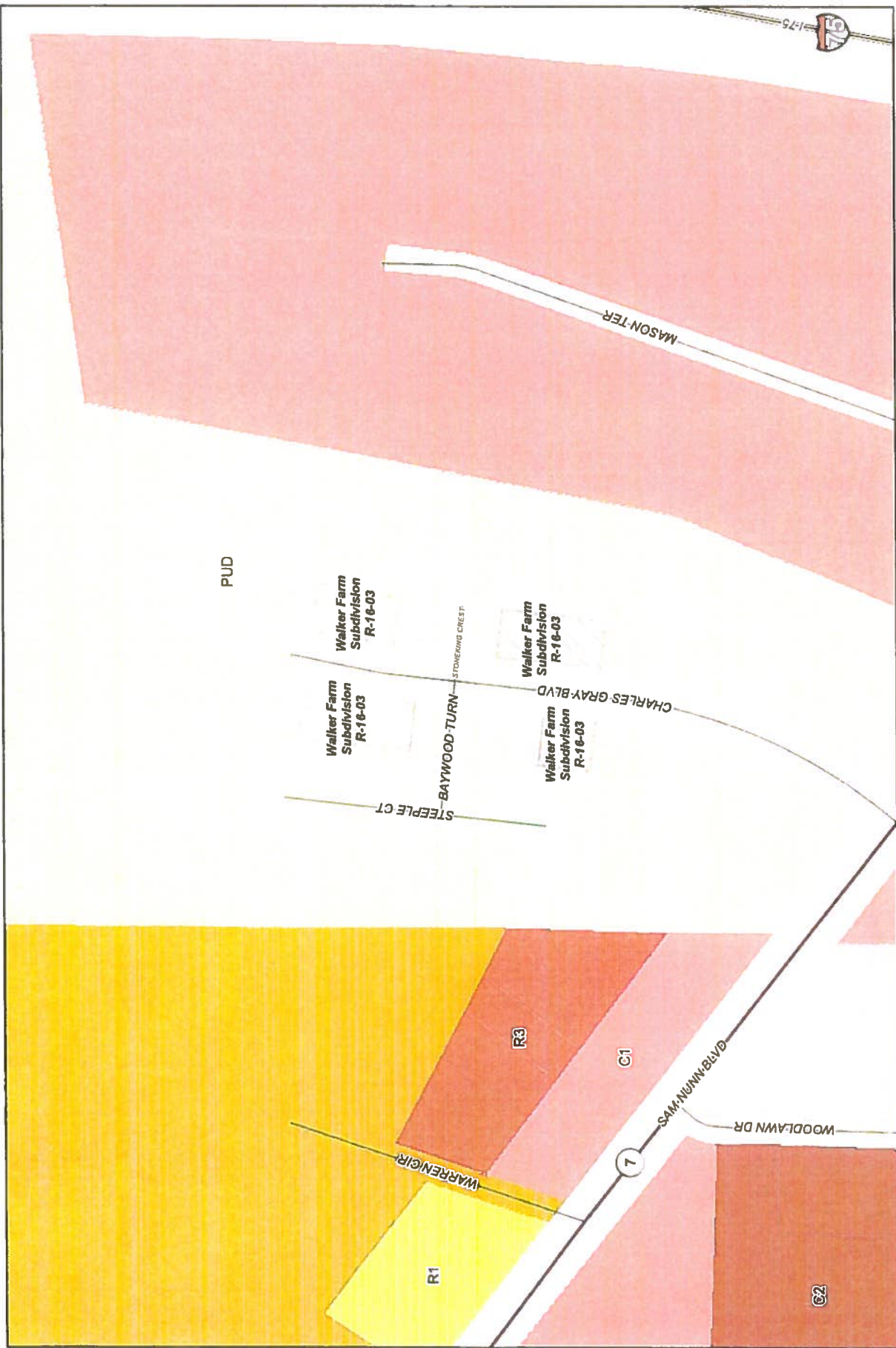
LAND LOTS: 45, 46, & 47
DISTRICT: 18TH
SECTION: 11A
CITY: POINT
COUNTY: HENRY
STATE: GEORGIA
DATE: 30 JAN 2008
DRAWN BY: JAL
APPROVED BY: C. INCH
JOB NO.: 2008.01.17
FILE NO.: 08-0108
SHEET NUMBER:
1
OF 4 SHEETS





City of Perry Zoning Review

Case: R-16-03



1 inch = 300 feet



Legend

	R2		M2		C3
	R2A		OC		GU
	R3		PUD		IN
	RAG		R1		M1
	RMH		C2		C2




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Department of Community Development

TO: Lee Gilmour, City Manager

CC: Steve Howard, Building Official
Decius Aaron, Public Works Director

FROM: Chad McMurrian, Lead Engineering Technician 

DATE: August 25, 2016

SUBJECT: 206 Steeple Court / Walker Farm Subdivision, storm water drainage.

Mr. and Mrs. Tankersley have expressed concern for the development of lots behind their home at 206 Steeple Court. Mr. Tankersley's concern is storm water runoff from the properties at 303, 305, 307, and 309 on Charles Gray Boulevard, shed water on to properties 202, 204, 206, and 208 on Steeple Court. Upon, visiting the site I concur with Mr. Tankersley's reason for concern.

Please see attached: Original plans are designed with a storm water drainage easement and alley, driveway entrance to the back of each home, this concept would help detour water from lots around to the storm water retention pond.

- Back entry drive to homes / utility and drainage easement: highlighted in pink is incomplete and does not allow proper drainage.
- Lots of concern, on Steeple Court: highlighted in yellow, are receiving water shed from incomplete lots on Charles Gray Blvd.
- Lots on Charles Gray Blvd: highlighted in orange, are incomplete and at a higher elevation than lots on Steeple Court.

Below, I have attached pictures of the storm water drainage easement and alley between these lots.





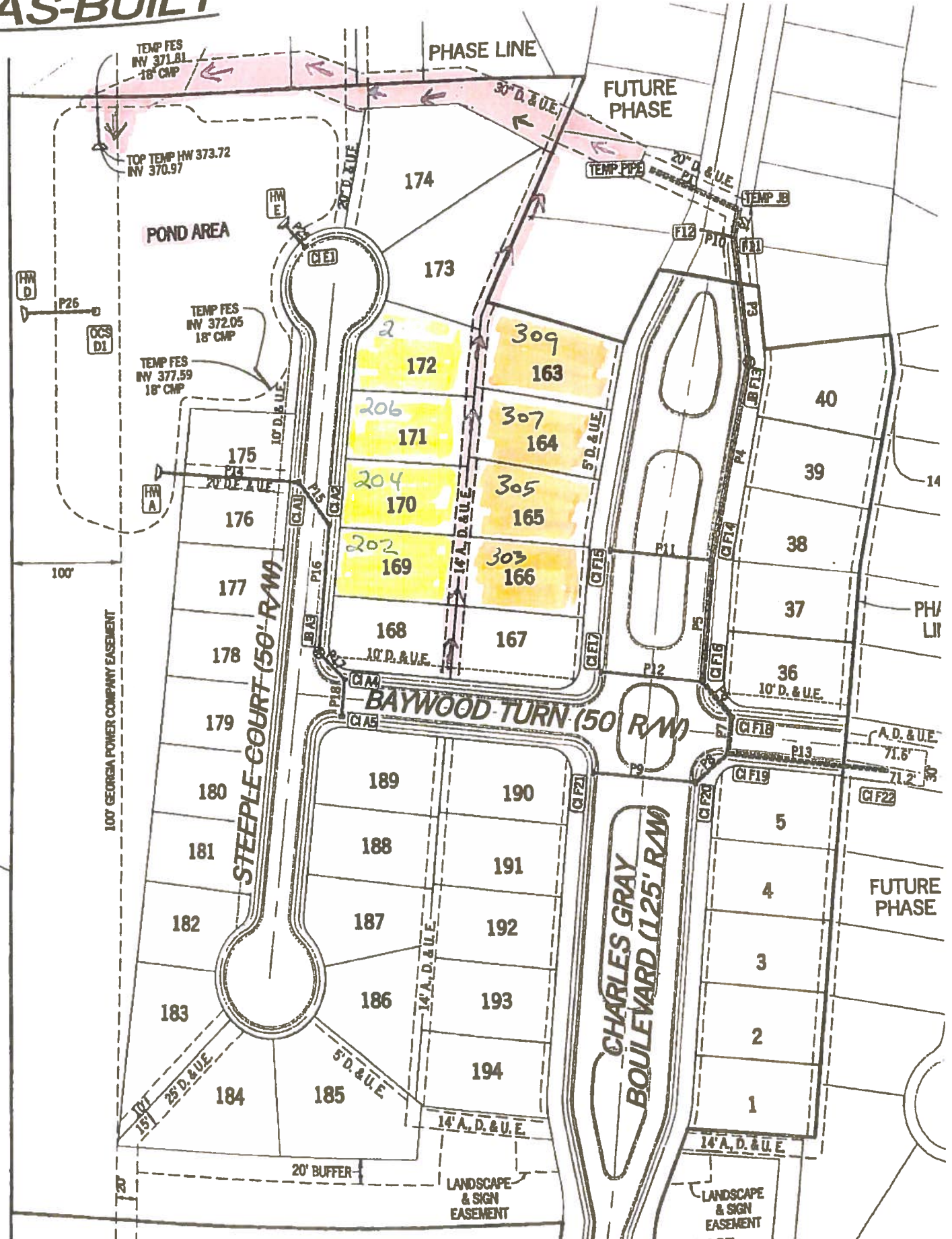
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Department of Community Development



Provided, redesign of lots 303, 305, 307, and 309 Charles Gray Blvd. are approved for front entry home driveway access. The drainage easement in the back of these lots will need to be resubmitted for review and approval of storm water drainage, which will not negatively impact the lower elevation homes on Steeple Court.

AS-BUILT



N/F
PECAN GROVE MOBILE MANOR LLC
70NFD-CA

WAYN
ZC



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Department of Community Development

**Public Hearing
Sept. 20, 2016
Tuesday @ 6:00 PM**

August 23, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

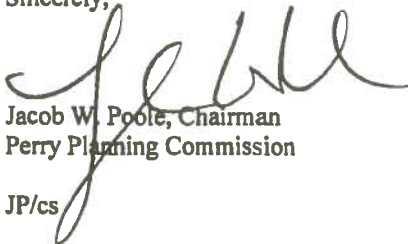
Re: Amendment to Perry Land Development Ordinance
Article XV Soil Erosion and Sedimentation Control

Dear Mayor and Council:

On August 22, 2016 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the changes as provided for the referenced section of the Perry Land Development Ordinance

Sincerely,




Jacob W. Poole, Chairman
Perry Planning Commission

JP/cs



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TO: Perry Planning Commission
FROM: Christine Sewell – Administrative Assistant 
DATE: August 5, 2016
RE: PLDO Amendment

I have been advised from Mr. Howard that as per the Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7-8(a)(2)), Local Issuing Authorities must amend their ordinances within 12 months of any amendment of the Act. Therefore, the deadline for Local Issuing Authorities to amend their local erosion and sedimentation ordinances to reflect the 2015 and earlier amendments to the Georgia Erosion and Sedimentation Act is December 31, 2016.

I have attached the current PLDO ordinance and the revised as noted.

The entire ordinance as you will note is being changed.

Please be prepared to discuss at your August 22nd meeting. Thank you.

Current

**ARTICLE XV
SOIL EROSION AND SEDIMENTATION CONTROL**

Rev. 01.05.10

Section 150. Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

- (1) **BEST MANAGEMENT PRACTICES (BMP's):** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
- (2) **BOARD:** The Board of Natural Resources.
- (3) **BUFFER:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (4) **CERTIFIED PERSONNEL:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
- (5) **COMMISSION:** The Georgia Soil & Water Conservation Commission.
- (6) **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by Certified Professional in Erosion and Sediment Control Inc., a corporation registered in North Carolina which is also referred to as CPESC or CPESC, Inc.
- (7) **CUT:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- (8) **DEPARTMENT:** The Georgia Department of Natural Resources.
- (9) **DESIGN PROFESSIONAL:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.
- (10) **DIRECTOR:** The Director of the Environmental Protection division of the Department of Natural Resources.
- (11) **DISTRICT:** The Ocmulgee River Soil and Water Conservation District.

- (22) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
- (23) **LOCAL ISSUING AUTHORITY:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
- (24) **METROPOLITAN RIVER PROTECTION ACT (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
- (25) **NATURAL GROUND SURFACE:** The ground surface in its original state before any grading, excavation or filling.
- (26) **NEPHELOMETRIC TURBIDITY UNITS (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
- (27) **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
- (28) **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
- (29) **OPERATOR:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation, and pollution control plan or to comply with other permit conditions. .
- (30) **OUTFALL:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
- (31) **PERMIT:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- (32) **PERSON:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility,

- (42) **STATE WATERS:** Any and all rivers, streams, creeks, branches, lakes reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- (43) **STRUCTURAL EROSION AND SEDIMENTATION CONTROL MEASURES:** Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip-rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.
- (44) **TROUT STREAMS:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
- (45) **VEGETATIVE EROSION AND SEDIMENTATION CONTROL PRACTICES:** Practices for the stabilization of erodible or sediment-producing areas by covering the soil with:
- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - (b) Temporary seeding, producing short-term vegetative cover; or
 - (c) Sodding, covering areas with a turf or perennial sod-forming grass.
- Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.
- (46) **WATER COURSE:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (47) **WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 152.3 of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (8) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two-hundred feet (200') of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity and which is within two-hundred feet (200') of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9, or 10 of this section;
- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of Code Section 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located with a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power, except where an electric membership corporation

activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30 for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

- (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the division pursuant to subsection (f) Code Section 12-5-30 for each day on which such failure occurs.
- (4) The Director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- (5) The LIA may set more stringent buffer requirements than stated in Sections 152.3(15) and 152.3(16), in light of O.C.G.A. § 12-7-6 (c).

152.3. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - (b) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- (16) There is established a fifty (50) foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a twenty five (25) foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of

will be carried out in such a manner that the provisions of Sections 152.2 and 152.3 of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three (3) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with EPD Rule 391-3-7-10.

- (3) A fee shall be charged as established by Council.
- (4) In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, as amended, provided that such fees shall be paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
- (5) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within (35) days of receipt. Failure of a District to act within (35) days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 152.3.(15) and (16) and bonding, if required as per Section 153.2(7), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within (35) days of receipt. Failure of the Local Issuing Authority with plan review authority to act within (35) days shall be considered an approval of the revised plan submittal.
- (6) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended within three (3) years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
- (7) The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding three-thousand dollars (\$3,000.00) per acre or fraction thereof of the proposed land-disturbing activity prior to issuing the permit. If this applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

- (5) The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7- (f) (1).

Section 154. Inspection and Enforcement

154.1. The Planning and Zoning Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

154.2. The Planning and Zoning Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

154.3. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any

corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

- (2) For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
- (3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

155.3. Bond Forfeiture

If through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions Section 153.2.(7). The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

155.4. Monetary Penalties

- (1) Any person who violates any provisions of this ordinance or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this

Planning and Zoning Commission within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.

157.2. Judicial Review. Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Houston County.

Section 158. Effectivity, Validity and Liability

158.1 Effectivity This ordinance shall become effective on the 5th day of January, 2010.

158.2 Validity If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

158.3. Liability

- (1) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
- (3) No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

Model Soil Erosion, Sedimentation And Pollution Control Ordinance

NOW, THEREFORE, BE IT ORDAINED, BY

SECTION I
TITLE

This ordinance will be known as City of Perry
Soil Erosion, Sedimentation and Pollution Control
Ordinance.”

SECTION II
DEFINITIONS

The following definitions shall apply in the
interpretation and enforcement of this ordinance,
unless otherwise specifically stated:

1. **Best Management Practices (BMPs):**
These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.
6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
7. **CPESC:** Certified Professional in Erosion and Sediment Control with current

- certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.
8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
 9. **Department:** The Georgia Department of Natural Resources (DNR).
 10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
 11. **Director:** The Director of the Environmental Protection Division or an authorized representative.
 12. **District:** The Ocmulgee Soil and Water Conservation District.
 13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
 14. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
 15. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
 16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.
 17. **Fill:** A portion of land surface to which soil or other solid material has been added; the

depth above the original ground surface or an excavation.

18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.
19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.
23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
24. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
25. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
27. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

31. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
33. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
36. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.
37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
39. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Ocmulgee Soil and Water Conservation District.
41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders,

waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

45. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

46. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

47. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

48. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION III EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone

shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general

permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

SECTION IV
MINIMUM REQUIREMENTS FOR EROSION,
SEDIMENTATION AND POLLUTION
CONTROL USING BEST MANAGEMENT
PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management

- practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in C.15.16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
 10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least

25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50 foot buffer as measured horizontally from the

point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim

vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage

structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed.

Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and

such measures are fully implemented.

- d. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

SECTION V APPLICATION/PERMIT PROCESS

A. GENERAL

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of City of Perry without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit shall be submitted to the Community Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00-per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to

give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash,

irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as

developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

SECTION VI INSPECTION AND ENFORCEMENT

- A. The Community Development Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting

- land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
 - C. The Community Development Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
 - D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
 - E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
 - F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII PENALTIES AND INCENTIVES

- A. **FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**
If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- B. **STOP-WORK ORDERS**
 - 1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected

within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The

notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

SECTION VIII
EDUCATION AND
CERTIFICATION

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

SECTION IX
ADMINISTRATIVE APPEAL
JUDICIAL REVIEW

- A. **ADMINISTRATIVE REMEDIES**
The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Perry Planning Commission within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.
- B. **JUDICIAL REVIEW**
Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Houston County, Georgia.

SECTION X
EFFECTIVITY, VALIDITY
AND LIABILITY

- A. **EFFECTIVITY**
This ordinance shall become effective on the _____ day of _____ 20__.
- B. **VALIDITY**
If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.
- C. **LIABILITY**
 - 1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
 - 2. The fact that a land-disturbing activity for which a permit has been issued results in

injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ATTEST:

Signature

Signature



Where Georgia comes together.

Department of Community Development

**Public Hearing
Sept. 20, 2016
Tuesday @ 6:00 PM**

August 23, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

**Re: Amendment to Perry Land Development Ordinance
Section Downtown Development District of the City of Perry Architectural & Signage Control
Standards for Certificate of Appropriateness Permit**

Section 46 Downtown Development District Certificate of Appropriateness

Dear Mayor and Council:

On August 22, 2016 the Perry Planning Commission reviewed the above referenced amendments to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the changes as provided for the referenced sections of the Perry Land Development Ordinance


Sincerely,

Jacob W. Poole, Chairman
Perry Planning Commission

JP/cs



Where Georgia comes together.

TO: Perry Planning Commission
FROM: Christine Sewell – Administrative Assistant 
DATE: August 3, 2016
RE: PLDO Amendments

Recently there have been some changes with regards to the issuance of Certificate of Appropriateness (COA) in the Downtown District. When the Main Street Advisory Board was formed the functions for review fell to the Main Street Design Committee with the Economic Development Department issuing the COA once the process was completed.

The procedures for approval and issuance will remain, but Economic Development will no longer issue the COA, it will fall to the responsibility of the Community Development Department.

COA's are addressed in two sections in the PLDO: Appendix B and Section 46 and therefore, both sections need to be amended. Copies of the sections are attached with the language highlighted in ~~red and strikethrough~~.

Should you have any questions, please let me know. Thank you.

**DOWNTOWN DEVELOPMENT DISTRICT
OF THE
CITY OF PERRY**

**ARCHITECTURAL AND SIGNAGE CONTROL STANDARDS FOR
CERTIFICATE OF APPROPRIATENESS PERMITS**

These standards have been established under the authority of the City of Perry Land Development Ordinance; specifically, Article IV, Section 45, Sub-Section 45.3 of said ordinance.

The Downtown Development District Ordinance was enacted to provide Standards for Architectural and Signage Control. The purpose is to make the Downtown Development District a more visually attractive and historically accurate area that will enhance the natural and visual assets of the District, its gateways and corridors.

The intent of these standards is to provide necessary information to facilitate development design, plan review, ensure the preservation of the District and enforcement process in order that the provisions of the ordinance are administered in the most effective, efficient and economical manner.

2.01 SIGNAGE CERTIFICATE OF APPROPRIATENESS

All signs shall require a Certificate of Appropriateness issued by the City of Perry ~~Economic Development~~ ~~Community Development~~ Department prior to erecting the sign. The City of Perry ~~Economic Development~~ ~~Community Development~~ Department may exempt signs which are in conformance with the Standards for Architectural and Signage Control at their sole discretion. The standards for signage are contained in Section 106 of the Perry Land Development Ordinance.

2.02 ARCHITECTURAL STANDARDS

- 1) The intent of this section is to encourage and maintain the viability and visual compatibility of structures in the Downtown Development District.
- 2) Within the Downtown Development District, new construction and existing buildings, structure, and appurtenances attached thereto which are moved, reconstructed, materially altered, repaired or painted, including repainting the same color, shall be visually compatible with buildings, squares, and places to which they are visually related generally, in terms of the following factors:
 - a) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 - b) Proportion of Building From Façade. The relationship of the width of building to the height of the front elevation shall be visually compatible with buildings, squares, and places to which it is visually related.
 - c) Proportion of Openings Within the Facility. The relationship of the width of the windows in a building to the height of the windows shall be visually compatible with buildings, squares, and places to which it is visually related.
 - d) Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, squares, and places to which it is visually related.

- e) **Rhythm of Spacing of Buildings on Streets.** The relationship of buildings to open space between it and the adjoining buildings shall be visually compatible to the buildings, squares, and places to which it is visually related.
 - f) **Rhythm of Entrance and/or Porch Projection.** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible to the buildings, squares, or places to which it is visually related.
 - g) **Relationship of Materials. Texture and Color.** The relationship of the materials, texture and color of the façade of a building shall be visually compatible with the predominant materials in the buildings to which it is visually related.
 - h) **Roof Shapes.** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
 - i) **Walls of Continuity.** Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses, building facades shall if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the buildings, squares, or places to which it is visually related.
 - j) **Scale of a Building.** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings, squares and places to which it is visually related.
 - k) **Directional Expression of Front Elevation.** A building shall be visually compatible with the buildings, squares and places to which it is visually related in the directional character, whether this is vertical character, horizontal character or non-directional character.
 - l) **Temporary structures are permitted for construction projects or catastrophic loss.** These structures require approval from the ~~Downtown Development Authority~~ **Community Development Department**.
- 3) **Colors:** Colors should be in keeping with color palettes currently in use, or of historical significance to the City of Perry. The ~~Economic~~ **Community Development Department** may suggest or make available certain color palettes, which are not required to have a Certificate of Appropriateness.
- 4) Within the Downtown Development District, new construction and existing buildings, structure, and appurtenances attached thereto which are moved, reconstructed, materially altered, repaired or painted, including repainting the same color, shall be visually compatible with buildings, squares, and places to which they are visually related generally, in terms of the following factors:

2.03 ARCHITECTURAL CERTIFICATE OF APPROPRIATENESS

- 1) Architectural Approval:
 - a) Repairs: Repairs or maintenance required including changing of doors, windows, roofing, decayed wood or repainting are exempt from the hearing procedure provided the repair does not significantly alter the existing structure.

2.04 PERMITS

All required building permits and zoning approvals shall be secured from the Community Development Department and a Downtown Development District Certificate of Appropriateness shall be secured from the ~~Economic~~ **Community Development Department** prior to commencement of work.

Section 46. Downtown Development District Certificate of Appropriateness.

46.1. Certificate of Appropriateness. Application for a Downtown Development District Certificate of Appropriateness shall be made to the office of the Zoning Enforcement Officer on forms provided therefore, obtainable from the office of the Zoning Enforcement Officer. Detailed drawings, plans or specifications shall not be required but each application shall be accompanied by such sketches, drawings, photographs, descriptions, or other information showing the proposed sign, exterior alterations, additions, changes of new construction as are reasonably required for the ~~Economic~~ **Community** Development Department.

46.2. Action on Application for Certificate of Appropriateness. The Zoning Enforcement Officer shall transmit the application for a Downtown Development District Certificate of Appropriateness, together with the supporting information and materials, to the ~~Economic~~ **Community** Development Department for approval. The ~~Economic~~ **Community** Development Department shall receive the application, together with the supporting information and materials, and act upon the application, within 30 days after filing thereof, otherwise the application shall be deemed to be approved and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made. The ~~Economic~~ **Community** Development Department shall present the application for a Certificate of Appropriateness to the Downtown Development District Board of Review and the Board may advise the ~~Economic~~ **Community** Development Department and make recommendations in regard to the appropriateness. If the ~~Economic~~ **Community** Development Department approves the application, a Certificate of Appropriateness shall be issued. If the Certificate of Appropriateness is issued, the application shall be processed in the same manner as applications for building permits. If the ~~Economic~~ **Community** Development Department disapproves the application, a Certificate of Appropriateness shall not be issued. The ~~Economic~~ **Community** Development Department shall state its reasons in writing, and shall advise the applicant and a Certificate of Appropriateness shall not be issued.

46.3. Appeal Provision. Any person adversely affected by any determination made by the ~~Economic~~ **Community** Development Department relative to the issuance or denial of a Downtown Development District Certificate of Appropriateness may appeal such determination to the Planning Commission.

2016 Proposed Millage Rate

Public Hearing

2015 Property Tax Data

Net Digest	\$428,271,547
Millage Rate	14.05
Tax Income Projected	\$ 6,017,200
Actual	\$ 6,122,784

2016 Property Tax Data

Net Digest	\$442,760,852
Percent Reassessment	.23%
Net Digest Growth	\$ 14,489,305
Percentage Reassessment	7.05%
Millage Rate Reassessment	14.02
Tax Income	\$ 6,207,500
Current Millage Rate	14.05
Tax Income	\$ 6,220,800

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
September 6, 2016
5:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the pre council meeting held September 6, 2016 at 5:00 p.m.

2. Roll:

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

Elected Official(s) Absent: None

City Staff: City Manager Lee Gilmour, Attorney David Walker, and Recording Clerk, Annie Warren.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Battalion Chief Robby Rowell – Fire and Emergency Services Department, Fire Marshal David Stanton – Fire and Emergency Services Department, Decius Aaron – Director of Public Works, Brenda King – Director of Administration, Kevin Dye – Director of Leisure Services, Robert Smith – Economic Development Director and Ellen Palmer – Digital Communications Manager.

Guests: None

Media: Kristian Moriarty – Houston Home Journal

3. Items of Review/Discussion: Mayor James E. Faircloth, Jr.

3a. Discussion of September 6, 2016 council meeting agenda.

5a. Amendment to Perry Land Development Ordinance Section 80.1.12 and 80.6.2 –Article VIII – Use Requirements by District. Administration advised Council this is an administrative change of language no longer needed.

5b. Consider maintaining 2016 Maintenance and Operations property tax millage rate at 14.050 mills. Administration recommended keeping the millage rate the same.

10c. Consider forgiving past due property taxes for Lot 9, Block “a”, Yorktown of Perry Subdivision. Administration stated it was an error on the City’s part and recommended refunding of the taxes to the current mortgage company and forgiving the property taxes that would be due.

10d. (1) Consider award for court room HVAC System. Mr. Aaron recommended awarding the bid to the low bidder.

10e. Request from the Perry Downtown Merchants Association for the 4th Annual Sweets and Treats on Downtown Streets on October 31st.

- Closure of Jernigan Street between Commerce Street and Main Street;
- Closure of Carroll Street between Jernigan Street and Washington Street
- Three (3) on duty police officers to assist with the event

Chief Lynn advised he did not have any issues with the request; Battalion Chief Rowell had no concerns. Mayor Pro Tempore Walker stated this is an active voting date and the County recommended closing Ball Street and Carroll Street and not Jernigan Street.

- 3b. Presentation from Family Promise of Greater Houston County – Mr. Dave Razo. Mayor proposed moving this item to Council’s regular agenda; Council concurred.
- 3c. Consider authorizing development of future space needs for city departments. Council concurred to authorize Administration to work with staff to determine future operational space needs.
- 3d. Consider options for traffic control in 1000 block Carroll Street. Chief Lynn proposed placing barrels and cones in 1000 block of Carroll Street to slow traffic when events are scheduled at the Perry Methodist Church.
- 3e. Discussion of Washington Street lighting project. Administration reviewed Mr. McMurrian’s memo which outlined three possible solutions relative to the lighting conflict on Washington Street. Council concurred to move forward with Administration’s recommendation to relocate the light poles to the back of the right of way.
- 3f. Discussion of insurance for event volunteers. Mr. Gilmour advised this is a proposal from one of our insurance companies. Administration’s recommendation was, if it is an event sponsored by the City, volunteers will be covered under the City’s insurance. If it is an event sanctioned by the City, volunteers will not be covered under the City’s insurance. Council concurred with Administration’s recommendation.

4. Department Head Items:

Ms. King and Fire Marshal Stanton had no reports.

Battalion Chief Rowell advised Mayor and Council of the 911 memorial events at the old courthouse.

Chief Lynn provided an update relative to the traffic on North Davis Drive and proposed a three way stop at the intersection of North Davis Drive and Park Avenue.

Council concurred to proceed with a three way stop at North Davis Drive and Park Avenue.

Mr. Smith

- Reminded everyone of the reception for Sandler at Houston Lake Country Club on Thursday.
- City of Perry has been awarded a \$500,000 Community Development Block Grant.
- Perry Housing Week is September 11th – 17th

Mr. Aaron

- Provided Mayor and Council a draft copy of the City of Perry Tram Policy
- Inquired about the City of Perry's Cemetery policy relative to ant beds

Mr. Dye advised Creekwood Park's pavilion is nearing completion.

Ms. Palmer provided a brief overview of the City's Facebook page.

5. Council Member Items:

Council Member Jackson inquired about the dumpsters in Kroger's shopping center. Mr. Aaron advised he would investigate and follow up with Council Member Jackson.

Mayor Pro Tempore Walker, Council Members Bynum-Grace, Hunt, King and Jones had no reports.

Mr. Gilmour and Attorney Walker had no reports.

6. Adjourn: There being no further business to come before Council in the pre council meeting held September 6, 2016 Council Member Hunt motioned to adjourn the meeting at 6:10 p.m.; Council Member Jackson seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
September 6, 2016
6:21 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 September 6, 2016 at 6:21 p.m.

2. Roll.

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

Elected Official(s) Absent: None

Staff: City Manager Lee Gilmour, City Attorney David Walker, and Recording Clerk, Annie Warren

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Fire Marshal David Stanton – Fire and Emergency Services Department, Battalion Chief Robby Rowell – Fire and Emergency Services Department, Brenda King – Director of Administration, Decius Aaron – Director of Public Works, Robert Smith – Economic Development Director, Kevin Dye - Director of Leisure Services and Ellen Palmer – Digital Communications Manager.

Guest(s)/Speaker(s): Ronnie Shivers, Nicole Fogle, and Ellen Palmer

Media: Kristian Moriarty - Houston Home Journal, and Kelly McWilliams - ComSouth 100

3. Invocation and Pledge of Allegiance to the Flag: Mayor James E. Faircloth, Jr.

Senior Pastor Willie King of Faith Bible Fellowship Church rendered the invocation and Council Member Robert Jones led the pledge of allegiance to the flag.

4. Community Partner(s) Update(s):

Mr. Ronnie Shiver and Ms. Nicole Fogle of Family Promise of Greater Houston County, Inc. provided Mayor and Council an update of the events going on within the organization and invited Mayor and Council to their “Car City” event on September 16, 2016 at Central Georgia Technical College.

5. Public Hearing: Mayor James E. Faircloth, Jr.

PUBLIC HEARING CALLED TO ORDER AT 6:34 P.M. Mayor Faircloth called to order a public hearing at 6:34 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. Amendment to Perry Land Development Ordinance Section 80.1.12 and 80.6.2 – Article VIII – Use Requirements by District.

Staff Report: Administration stated the purpose of this ordinance is the removal of language no longer needed.

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

In Favor: None

Opposed: None

- 5b. Consider maintaining 2016 Maintenance and Operations property tax millage rate at 14.050 mills.

Staff Report: Administration recommended keeping the 2016 Maintenance and Operations property tax millage rate at 14.050 mills.

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

In Favor: None

Opposed: None

Public Hearing Closed at 6:39 p.m. Mayor Faircloth closed the public hearing at 6:39 p.m.

6. Citizens with Input. None

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

- 7a. Council's Consideration – Minutes of the August 15, 2016 work session, August 16, 2016 special meeting, August 16, 2016 pre council meeting, August 16, 2016 council meeting, August 29, 2016 special meeting and August 30, 2016 special meeting.

Council Member Jones motioned to accept the minutes as submitted; Council Member Hunt seconded the motion and motion carried unanimously.

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

- 8a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance rezoning 80 acres from Houston County M-2 to City of Perry M-2, Industrial District. The land is located at 401 Airport Road.

Adopted Ordinance No. 2016-15 rezoning 80 acres from Houston County M-2 to City of Perry M-2, Industrial District. Council Member Bynum-Grace motioned to adopt said ordinance as submitted; Council Member Jones seconded the motion and it carried unanimously. *(Ordinance No. 2016-15 has been entered in the City's official book of record).*

2. **Second Reading** of an ordinance annexing 80 acres from Houston County M-2 to City of Perry M-2, Industrial District. The land is located at 401 Airport Road.

Adopted Ordinance No. 2016-16 annexing 80 acres from Houston County M-2 to City of Perry M-2, Industrial District. Mayor Pro Tempore Walker motioned to adopt said ordinance as submitted; Council Member King seconded the motion and it carried unanimously. *(Ordinance No. 2016-16 has been entered in the City's official book of record).*

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

- 9a. Mayor James E. Faircloth, Jr. - None
- 9b. Council Members - None
- 9c. City Manager Lee Gilmour - None
- 9d. City Attorney David Walker - None

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

- 10a. Matters referred from September 6, 2016 pre council meeting.

1. Proposed three way stop at Park Avenue and Davis Drive. Chief Lynn stated he had received several complaints relative to vehicles speeding on Park Avenue and Davis Drive. Chief Lynn recommended a three way stop at Park Avenue and Davis Drive, installing street line markers and speed limit signs. Council Member Jones motioned to install a three way stop at Park Avenue and Davis Drive, install street line markers and speed limit signs; Council Member Hunt seconded the motion and it carried unanimously.

- 10b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance amending the Perry Land Development Ordinance Section 80.1.2 and 80.6.2 – Article VIII – Use Requirements by District. *(No action required by Council).*
2. **First Reading** of an ordinance Authorizing and Adopting Post Issuance Compliance Policies and Procedures for Governmental Tax-Exempt Bonds and Tax Credit Bonds. *(No action required by Council).*

- 10c. Consider forgiving past due property taxes for Lot 9, Block "A", Yorktown of Perry Subdivision.

Mayor Faircloth recommended Council authorize refunding of taxes in the amount of \$4,891.65 to the current mortgage company and forgive the property that would be due for the purpose as described by Attorney Walker in his letter dated August 23, 2016. Mayor Pro Tempore Walker motioned to refund the taxes to the current mortgage company and forgive the property tax that would be due for the purpose as described by Attorney Walker; Council Member King seconded the motion and it carried unanimously.

10d. Award of Bid(s):

1. Consider award for court room HVAC System.

Mr. Aaron advised the City has been experiencing problems with the court room HVAC system and recommended awarding the bid for the court room HVAC System to low bidder Hoke's Heating and Air in the amount of \$6,236.00. Council Member King motioned to award the bid for the court room HVAC system to low bidder, Hoke's Heating and Air in the amount of \$6,236.00; Council Member Jackson seconded the motion and it carried unanimously.

10e. Request from the Perry Downtown Merchants Association for the 4th Annual Sweets and Treats on Downtown Streets on October 31st.

- Closure of Jernigan Street between Commerce Street and Main Street;
Closure of Carroll Street between Jernigan Street and Washington Street
- Three (3) on duty police officers to assist with the event

Council Member Jones motioned to approved the request from the Perry Merchants Association for the 4th Annual Sweets and Treats on Downtown Street on October 31st with the exception, Jernigan Street between Carroll Street and Main Street will remain open for handicap voter parking; Council Member Hunt seconded the motion and it carried unanimously.

11. Department Head Items.

Ms. King and Fire Marshal Stanton had no reports.

Chief Lynn reported on the proposed 911 events and provide an update on the animal shelter.

Mr. Smith

- Reported on Main Street
- Perry Housing Week - September 11th – 17th
- September 17th Clean Up in Sandhill Neighborhood
- City of Perry received \$500,000 Community Development Block Grant

Ms. Palmer reported on the City's Facebook page.

Mr. Dye stated registration for football, soccer and cheerleading started on

September 10th

Mr. Aaron reported graduation for PLI is September 15th.

Battalion Chief Rowell reported on the local 911 memorial events.

12. Council Members Items:

Council had no reports

Mr. Gilmour had no report

Attorney Walker had no report

13. General Public Items:

Ms. Angie Gheesling thanked Mayor and Council for the Opportunity Zone.

14. Mayor Items:

- September 19th, Council's work session
- September 20th, Pre Council and Council
- September 17th, Perry Music Festival

Mayor Faircloth entertained a motion to enter into executive session for the purpose of personnel.

15. Executive Session entered at 7:20 p.m.: On a motion by Council Member King, seconded by Council Member Hunt and carried unanimously, Council went into Executive Session for the purpose of personnel.
16. Executive Session adjourned; Council's special meeting reconvened. Council adjourned the Executive Session held September 6, 2016 and reconvened into Council's council meeting.
17. Adopted Resolution No. 2016-41 stating purpose of the executive session held on August 30, 2016 was for the purpose of personnel. On a motion by Council Member Jackson, seconded by Council Member Jones and carried unanimously adopted Resolution No. 2016-41 stating the purpose of the Executive Session held on August 30, 2016 was for personnel. (*Resolution No. 2016-41 has been entered in the City's official book of record*).
18. Adjournment: On a motion by Council Member Bynum-Grace, seconded by Mayor Pro Tempore Randall Walker and carried unanimously, the reconvened special meeting of Council held September 6, 2016 was adjourned at 8:40 p.m.

MINUTES
SPECIAL MEETING
OF THE PERRY CITY COUNCIL
September 14, 2016
4:45 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the special meeting of the Perry City Council held September 14, 2016 at 4:45 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr. Mayor Pro Tempore Randall Walker. Council Members Bynum-Grace, Riley Hunt, Robert Jones, Willie King and William Jackson.

Elected Official Absent: None

Staff: City Manager Lee Gilmour

3. Item of review/Discussion: Mayor James E. Faircloth, Jr.

3a. Provide letter of support for the Jointly Owned Gas Authority to become its own legal entity through State legislation.

Mayor and Council discussed, no action was taken.

Mayor Faircloth entertained a motion to enter into executive session for the purpose of personnel.

4. Executive Session entered at 5:13 p.m.: On a motion by Council Member King, seconded by Council Member Hunt and carried unanimously, Council went into Executive Session for the purpose of personnel.

5. Executive Session adjourned; Council's special meeting reconvened. Council adjourned the Executive Session held September 14, 2016 and at 6:00 p.m. reconvened into Council's special meeting.

6. Adopted Resolution No. 2016-42 stating purpose of the executive session held on September 6, 2016 was for the purpose of personnel. On a motion by Council Member Jackson, seconded by Council Member Jones and carried unanimously adopted Resolution No. 2016-42 stating the purpose of the Executive Session held on September 14, 2016 was for personnel. (*Resolution No. 2016-42 has been entered in the City's official book of record*).

7. Adjournment: On a motion by Council Member Bynum-Grace, seconded by Mayor Pro Tempore Randall Walker and carried unanimously, the reconvened special meeting of Council held September 14, 2016 was adjourned at 6:10 p.m.



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AGENDA
SPECIAL MEETING
OF THE PERRY CITY COUNCIL
September 14, 2016
4:30 P.M. *4:48 start*

1. Call to Order: Mayor James E. Faircloth, Jr.
2. Roll:
3. Items of Review/Discussion: Mayor James E. Faircloth.
 - 3a. Provide letter of support for the Jointly Owned Gas Authority to become its own legal entity through State legislation. *Just discussed*
 - 3b. *5/1 entered - Personnel*
Executive session relative to personnel.

4. Adjourn.

Came out 6pm

*Concerned about council Sept 19th meeting
to Sept 26th.*

Adjourn at 6:10pm

All present

S:SD Bynum-Grace left

City Manager

Rev. 2016-42



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NOTICE TO THE PUBLIC

SPECIAL MEETING OF THE PERRY CITY COUNCIL

Wednesday, September 14, 2016
4:30 p.m.

Mayor James E. Faircloth, Jr. announces a Special Meeting of the Perry City Council to be held on **Wednesday, September 14, 2016 at 4:30 p.m.** in the second floor conference room of City Hall, 1211 Washington Street.

The purpose of this meeting is to review the candidates for the position of Fire Chief/Director of Emergency Services.

ALL MEETING OF THE COUNCIL ARE OPEN TO THE PUBLIC UNLESS CLOSED IN COMPLIANCE WITH EXECUTIVE SESSION GUIDELINES.

cc: Honorable James Faircloth
Council Members
City Manager Lee Gilmour
Departments
Media

Annie Warren

From: Lee Gilmour <lee.gilmour@perry-ga.gov>
Sent: Wednesday, September 07, 2016 10:48 AM
To: 'Annie Warren'
Subject: Special Meeting

Annie

The Mayor is calling a special meeting of Council for Wednesday September 14, 2016 at 4:30pm. The purpose of this meeting is to review the candidates for the position of Fire Chief/ Director of Emergence Services.

Lee



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Department of Community Development

**Public Hearing
Sept. 06, 2016
Tuesday @ 6:00 PM**

August 9, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

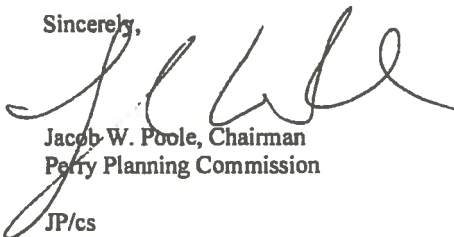
Re: Amendment to Perry Land Development Ordinance
Section 80.1.2 and 80.6.2 – Article VIII – Use Requirements by District

Dear Mayor and Council:

On August 08, 2016 the Perry Planning Commission reviewed the above referenced amendments to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the changes as provided for the referenced sections of the Perry Land Development Ordinance

Sincerely,



Jacob W. Poole, Chairman
Perry Planning Commission

JP/cs

**ARTICLE VIII
USE REQUIREMENTS BY DISTRICTS**

Section 80. Residential Districts.

80.1. R-1, Single-Family Residential Districts.

80.1.1. Intent of District. This district is intended to be used for single-family residential areas with low population density. Additional permitted uses, by special exception include related non-commercial, recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.

80.1.2. Within R-1 Single-Family Residential Districts, the following uses are permitted:

- (1) Single-family dwellings.
- (2) Accessory building and uses when located on the same lot or parcel of land as the main structure and customarily incidental thereto and provided the requirements in Section 102 are met.
- (3) Fall-out shelters provided the requirements in Section 103 are met.
- (4) Home swimming pools provided the location is not closer than ten (10) feet to any property line and the pool is enclosed by a wall or fence of at least four (4) feet in height. ~~and providing approval from the Houston County Health Department has been obtained.~~
- (5) Public utility structures and buildings provided that the installation is properly screened. No office shall be permitted and no equipment shall be stored on the site.
- (6) Dogs and cats provided the requirements in Section 117 are met.
- (7) Satellite dish antennas provided the requirements in Section 108 are met.
- (8) Home Offices are provided in section 104. Sec. 80.1.2.(8)-Rev.8.20.02

80.1.3. The following uses may be permitted as special exceptions by the Council in accordance with Section 172:

- (1) Residential businesses are provided in Section 104.
- (2) Farm Winery

Sec. 80.5.3.(2) - Rev.8.20.02

80.2.4. Conservation Subdivision Option. Any proposed residential development within this district may be submitted for review and approval in compliance with the Conservation Subdivision Option provisions specified in Section 119 of this Ordinance.

80.5. R-AG, Agricultural-Residential District.

80.6.1. Intent of District. This district is established to protect rural areas against the blight and depreciation which can result from premature development; to encourage the development of rural areas in a coordinated and orderly manner; to protect the use of land adjoining roads passing through the rural portions of the city against strip development which can lead to traffic congestion and traffic hazards.


80.6.2. Permitted Uses. Within an R-AG Agricultural District, the following uses are permitted:

- (1) Single-family dwellings.
- (2) Accessory buildings and uses when locate on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements in Section 102 are met.
- (3) Home swimming pools provided the location is not closer than ten feet (10') to any property line and the pool is enclosed by a wall or fence of at least four feet (4') in height. ~~and provided approval from the Houston County health Department has been obtained.~~

Agriculture, forestry, livestock and poultry production, provided that the area available for said operation is not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. Provided, however, there shall be no more than one (1) horse, cow or pig or combination thereof per one (1) acre, no more than one (1) goat or sheep or combination thereof per one-half (1/2) acre and no more than ten (10) fowl or rabbits or combination



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TO: Perry Planning Commission
FROM: Christine Sewell – Administrative Assistant 
DATE: July 26, 2016
RE: PLDO Amendment

During a recent review of Article VIII – Use Requirements by Districts it was noticed by Mr. Howard in Section 80.1.2 and 80.6.2 it was referenced residential swimming pools required approval from the Houston County Health Department. This is not required for residential swimming pools above or in-ground.

Therefore, both sections need to be amended. Copies of the sections are attached with the language highlighted in ~~red and strikethrough~~.

Should you have any questions, please let me know. Thank you.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY AUTHORIZING AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND PROCEDURES FOR GOVERNMENTAL TAX-EXEMPT BONDS AND TAX CREDIT BONDS

WHEREAS, the City of Perry (the “**Issuer**”) is a political subdivision and a municipality duly created and validly existing under the laws of the State of Georgia (the “**State**”); and

WHEREAS, the Issuer has previously issued or may in the future issue one or more series of governmental purpose bonds or other form of tax-exempt obligations (the “**Tax-Exempt Bonds**”), the interest on which is excluded from gross income of the owners thereof pursuant to §§ 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the “**Code**”); and

WHEREAS, the Issuer has previously issued or may in the future issue one or more series of governmental purpose tax credit bonds or other form of obligations (the “**Tax Credit Bonds**”) that entitle the Issuer, the owners of the Tax Credit Bonds, or any other permitted party to either a credit against federal income tax liability or a refundable credit from the United States Treasury; and

WHEREAS, the Tax-Exempt Bonds and the Tax Credit Bonds may be referred to collectively as the “**Tax-Advantaged Bonds**”; and

WHEREAS, in connection with the issuance of each series of Tax-Advantaged Bonds, the Issuer has executed or will execute covenants and certificates wherein the Issuer represents that it expects and intends to be able to comply with and will, to the extent permitted by law, comply with the provisions and procedures set forth in such covenants and certificates and will do and perform all acts and things necessary or desirable in order to assure either (i) that the interest on the series of Tax-Exempt Bonds to which such covenants and certificates relate will be excluded from gross income of the owners thereof for federal income tax purposes or (ii) that the Tax Credit Bonds to which such covenants and certificates relate will remain eligible for the applicable federal income tax credit; and

WHEREAS, upon recommendation of the Internal Revenue Service (the “**IRS**”), the Issuer has determined that it is advantageous and in the best interests of the Issuer and the owners of the Tax-Advantaged Bonds to adopt certain post issuance compliance policies and procedures (“**Post Issuance Procedures**”) substantially in the form set forth in this ordinance (this “**Ordinance**”) as may be supplemented from time to time as provided herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS, in a meeting properly and lawfully called and assembled, and IT IS ORDAINED HEREBY by authority of the same, as follows:

SECTION 1. Incorporation of Tax Closing Documents. This Ordinance shall be deemed to include and hereby incorporates all covenants, certificates, instructions, and information reporting documentation contained in the closing transcript or record of proceedings for any series of Tax-

Advantaged Bonds, whether executed in connection with the issuance of any such series of obligations or executed post closing (the “**Tax Closing Documentation**”) for each issue of Tax-Advantaged Bonds of the Issuer.

SECTION 2. Assignment of Responsibility. The Issuer hereby assigns the responsibility for post issuance compliance set forth in this Ordinance to the Issuer’s Finance Director. Such officer is hereby designated the Post Issuance Compliance Officer (the “**Compliance Officer**”). Some or all of the responsibilities of the Compliance Officer may be assigned by the Issuer to another officer or employee of the Issuer (together the “**Authorized Representatives**”).

SECTION 3. Documentation and Retention. The Compliance Officer will assemble and document to his or her satisfaction the location of all Tax Closing Documentation for each issue of Tax-Advantaged Bonds of the Issuer. All records shall be kept in paper or electronic form and shall include, among other things, (i) basic records relating to the transaction (including the bond documents, the opinion of bond counsel, etc.); (ii) documents evidencing the expenditure of the proceeds of the Tax-Advantaged Bonds; (iii) documentation evidencing the use of Tax-Advantaged Bonds financed property by public and/or private entities (e.g., copies of management contracts, leases, and research agreements); and (iv) documentation pertaining to any investment of Tax-Advantaged Bonds proceeds (including the purchase and sale of securities, SLG subscriptions, yield calculations for each class of investments, actual investment income received from the investment of the proceeds of the Tax-Advantaged Bonds, guaranteed investment contracts, and rebate calculations). All Tax Closing Documentation accumulated for each series of Tax-Advantaged Bonds shall be maintained for a period of three (3) years following the final maturity of the Tax-Advantaged Bonds.

SECTION 4. Rebate. At the time the Tax-Advantaged Bonds are issued, the Compliance Officer shall determine if he or she reasonably expects that one of the arbitrage rebate exceptions will be satisfied or that positive arbitrage will not be earned. If the arbitrage rebate exception relates to the time period over which the proceeds of the Tax-Advantaged Bonds are spent, the Compliance Officer shall verify that the appropriate expenditures have been made at each milestone. If one of the milestones is not satisfied or the Compliance Officer does not reasonably expect that one of the arbitrage rebate exceptions will be satisfied, an outside arbitrage rebate consultant shall be retained unless the Compliance Officer has determined that positive arbitrage will not be earned.

SECTION 5. IRS Correspondence and Audits. The Compliance Officer will consult with qualified bond counsel immediately upon receipt of any correspondence from, or opening of an examination of any type with respect to Tax-Advantaged Bonds of the Issuer by, the IRS.

SECTION 6. Periodic Review Requirements. The Compliance Officer will review the implementation of the Post Issuance Procedures set forth in this Ordinance with the Issuer at least annually during the term of any outstanding series of Tax-Advantaged Bonds.

SECTION 7. Training Requirements. The Compliance Officer will develop a training program that is designed to inform any successor Compliance Officer of the requirements of the Post Issuance Procedures and periodically train all the Authorized Representatives of their duties under

the Post Issuance Procedures. Such training program may be developed with internal materials and shall include a review of the Code and the IRS's website established for the use of the tax-exempt bond community located at <http://www.irs.gov/taxexemptbond/index.html?navmenu=menu1>.

SECTION 8. Continuing Disclosure Obligation. In connection with the issuance of each series of Tax-Advantaged Bonds, the Issuer may be obligated to execute a continuing disclosure certificate (the "**Disclosure Certificate**"). If the Issuer is obligated to execute a Disclosure Certificate, the Compliance Officer shall be responsible for annual compliance with such Disclosure Certificate or shall be responsible for hiring a Dissemination Agent (as defined in the Disclosure Certificate) to comply with such annual disclosure obligations.

SECTION 9. Approval and Adoption. The Issuer hereby approves and adopts the Post Issuance Procedures set forth in this Ordinance.

SECTION 10. Time is of the Essence. The Issuer hereby authorizes and directs the Compliance Officer and any designated Authorized Representatives to take such actions deemed necessary, appropriate or desirable to effect the implementation of the Post Issuance Procedures set forth in this Ordinance immediately.

APPROVED AND ADOPTED this _____, 2016.

CITY OF PERRY, GEORGIA

By: _____
James E. Faircloth, Jr., Mayor

Attest: _____
Annie Warren, City Clerk

(City Seal)

1st Reading: _____

2nd Reading: _____

CITY CLERK'S CERTIFICATE

I, the undersigned City Clerk of the City of Perry, Georgia (the "City"), keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Council of the City in public meeting properly and lawfully assembled on _____, 2016, the original of which supplemental ordinance has been entered in the official records of the City under my supervision and is in my official possession, custody, and control.

I further certify that the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

(S E A L)

City Clerk



Where Georgia comes together.

Department of Community Development

TO: Lee Gilmour

FROM: Steve Howard

DATE: September 15, 2016

RE: Perry Preserve Well request for recreational pond and irrigation. P34-37.

The developers of Perry Preserve are requesting a well for the purposes of a recreational pond and irrigation purposes. Attached is their information depicting the proposed pond and landscaping. The proposed well is a four inch well between 150 and 200 feet in depth. Mr. McMurrin has attached a memo with his comments concerning this request.

The concerns I have are for the future water needs for the City. We do not have any City Supply Wells planned for this area at the present time. What do we do when the next developer requests a well for the same reason? This area borders agricultural land that could have irrigation wells for the purposes of farming. In the last five years, four wells have been installed for the purposes of farm irrigation at various locations around the City. The last one approved was for property on Valley Drive. I understand the Council placed additional requirements on this approval. You may want to do the same to this well if you approve. Thanks



Where Georgia comes together.

Department of Community Development

TO: Steve Howard, Building Official
FROM: Chad McMurrian, Lead Engineering Technician
DATE: September 15, 2016
RE: Perry Preserve Well request,

Perry Preserve has requested permission to install a well for filling of pond and irrigation purposes. I have reviewed this location for this irrigation well with the following comments.

- Recently a geologist has completed a study on Perry's soils and aquifer. The study suggests large wells may experience drawdown conflicts within 2,000 feet of each other.
- Irrigation well installation at Perry Preserve will have a convergence radius of 2,000 feet and would not impact any of the City's current supply wells.
- At this time the City does not anticipate installation of a well within 2,000 feet of the Perry Preserve.

September 8, 2016

City Of Perry
1211 Washington St.
P.O. Box 2030
Perry, GA 31069

Attn: Chad McMurrian

RE: Perry Preserve Well

Chad,

Please add us to the agenda for the next Council Meeting to discuss installing a well at the Perry Preserve. The well will be used for a recreational pond and irrigation for extensive landscaping at the entrance to the subdivision. The pond will serve as a reservoir and the irrigation will use water from the pond to irrigate the landscaping. The well has been approved by the Houston County Environmental Health. We are asking for approval from the City of Perry to install this well in the City Limits of Perry.

Thank you for your consideration of this matter.

Ronnie Kent

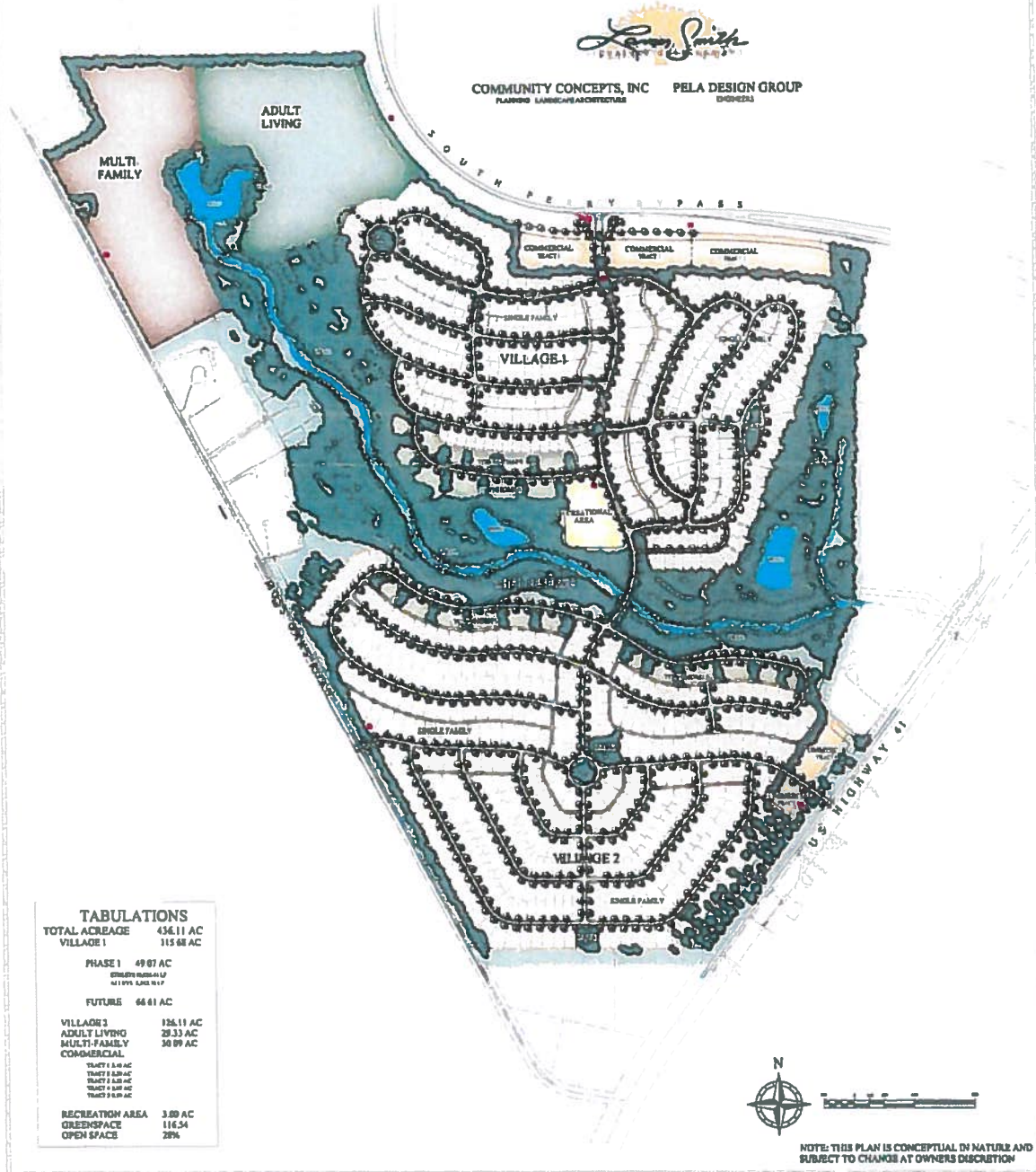
Ronnie Kent
Ocmulgee Inc.

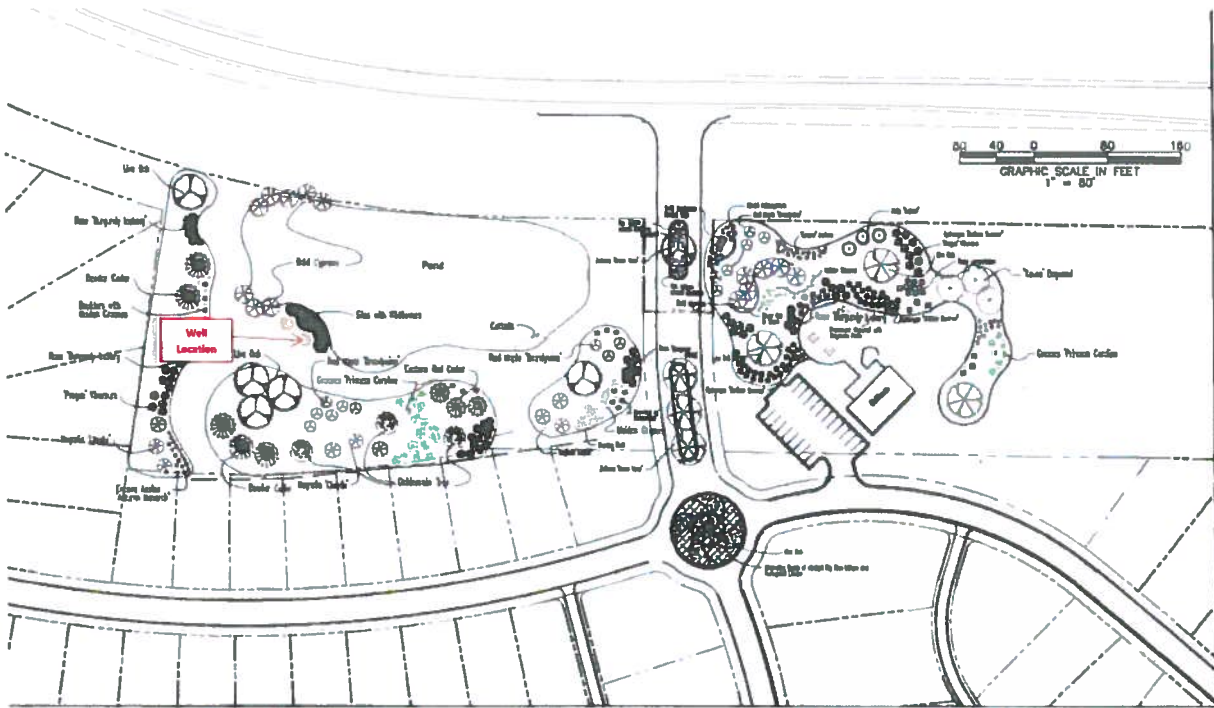


ILLUSTRATIVE MASTER PLAN
PERRY PRESERVE
PERRY, GEORGIA



COMMUNITY CONCEPTS, INC. PELA DESIGN GROUP
PLANNING LANDSCAPE ARCHITECTURES ENGINEERS





0 40 80 120 160
 GRAPHIC SCALE IN FEET
 1" = 80'

Ocmulgee
 LANDSCAPE ARCHITECTURE
 1000 W. Peachtree Street, N.W.
 Atlanta, GA 30309
 Phone: 404.525.1111
 Fax: 404.525.1112
 www.ocmulgee.com

THE PRESERVE
 AT
 AGRICULTURAL VILLAGE

LANDSCAPE PLAN



Where Georgia comes together.

Department of Community Development

TO: Lee Gilmour

FROM: Steve Howard

DATE: September 15, 2016

RE: Request for wells from Oliver Place. 530 Gray Road. P44-7

The attached letter is requesting permission to have two four inch irrigation wells installed for the purpose of irrigating the 22 acre apartment site. Mr. McMurrian has commented on this request also and his information is attached.

The wells will have a depth of 150 feet to 200 feet. The wells fall within a 2000 feet convergence radius of an existing four inch well the City has at Rozar Park according to Mr. McMurrian's memo. That memo also states the City may have City Supply Well at Rozar Park in the future.

I am concerned we have begun to set a precedent for irrigation wells for new developments. There is sufficient supply of City water at this location, with City mains on both Gray Road and Keith Drive. From an economic standpoint the well request has merit due to long term operating cost for the apartment owners.

I do not recommend approval of the wells. Thanks



City of Perry
PO Box 2030
Perry, GA 31069
www.perry-ga.gov

RE: Oliver Place
Irrigation Well

Dear Mayor and Council,

Perry Oliver Place LP is requesting approval to install two 5hp water wells for the sole purpose of establishing and maintaining the landscape features to be installed at Oliver Place. The two wells will operate separate zones on the 22 acre property. While we have kept the turf grass areas in line with the Earthcraft Communities standards we do have a significant number of new trees, fruit bearing vegetation/garden areas and native ornamentals being installed. The landscape design is based on a 75% reduction of water use over a baseline design of turf grass and ornamentals through the use of native and drought tolerant species. Even still the watering needs to establish the plantings are significant enough to warrant the installation of two wells to properly meet the water pressure needed. The irrigation system will meet Water Sense requirements and include rain/weather sensors, and drip irrigation in many areas to limit the water waste associated with spray irrigation.

Sincerely,

Trey Coogle
Principal
Rea Ventures Group, LLC

treycoogle@reaventures.com



Where Georgia comes together.

Department of Community Development

TO: Steve Howard, Building Official

FROM: Chad McMurrian, Lead Engineering Technician 

DATE: September 12, 2016

RE: Oliver Place - Irrigation Wells memo

Perry Oliver Place LP has requested permission for two(2) 5 HP wells for irrigation purposes at Oliver Place. I have reviewed this location for irrigation wells with the following comments.

- Recently a geologist has completed a study on Perry's soils and aquifer. The study suggests large wells may experience drawdown conflicts within 2,000 feet of each other.
- These irrigation wells at Oliver Place have a convergence radius of 2,000 feet and would not impact any of the City's current supply wells.
- NOTE: A portion of Rozar Park is within the 2,000 foot radius of Oliver Place.
- Rozar Park currently has a 4 inch well and has been considered as a potential site for a future City Supply Well.