



Where Georgia comes together.

REGULAR MEETING OF THE PERRY CITY COUNCIL  
November 15, 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. Recognition(s)/Presentation(s): Mayor James E. Faircloth, Jr.
  - \* Proclamation Recognizing Small Business Saturday
  - \* CDBG Award Presentation – Council Member King

5. Citizens with Input.

6. 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).

6a. Petition for Re-Zoning Application No. R-16-04. Applicant, Perry Capital, LLC request to change the land use in the PUD #7 for Perry Preserve to have the commercial area become recreational use and for the recreation area to become housing. The property is located on South Perry Parkway.

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

7a. Council's Consideration – Minutes of the October 31, 2016 work session, November 1, 2016 pre council meeting, and November 1, 2016 council meeting. *(Mayor Pro Tempore Walker was absent from the November 1<sup>st</sup> pre council and council meetings)*

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

- 8a. Mayor James E. Faircloth, Jr.
- 8b. Council Members
- 8c. City Manager Lee Gilmour
- 8d. City Attorney David Walker

9. New Business: Mayor James E. Faircloth, Jr.
  - 9a. Matters referred from November 14, 2016 work session and November 15, 2016 pre council meeting.
  - 9b. Ordinance(s) for First Reading and Introduction:
    1. **First Reading** of an ordinance to change the land use in the PUD #7 for Perry Preserve to have the commercial area become recreational use and for the recreation area to become housing. The property is located on South Perry Parkway. *(No action required by Council)*
    2. **First Reading** of an ordinance amending the Perry Code by deleting Sec. 15-34(a) in its entirety and adding a new Sec. 15-34(a). *(No action required by Council)*
  - 9c. Resolution(s) for Consideration and Adoption:
    1. Resolution amending the City of Perry's EEO and Anti-Harassment policies.
  - 9d. Authorize execution of Quit-Claim Deed for unopened portion of Marion Street – Attorney D. Walker.
10. Department Head Items.
11. Council Members Items:
12. General Public Items:
13. Mayor Items:
14. Adjourn.

# City of Perry



## ~ Proclamation ~

### Recognizing Small Business Saturday November 26, 2016

**Whereas**, the government of Perry, Georgia, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years; and

**Whereas**, small businesses employ over 49 percent of all businesses with employees in the United States; and

**Whereas**, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

**Whereas**, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

**Whereas**, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

**Whereas**, Perry, Georgia, supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

**Whereas**, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**Now, Therefore, I, James E. Faircloth, Mayor of Perry, Georgia, do hereby** proclaim, November 26, 2016, as:

#### **SMALL BUSINESS SATURDAY**

**And** urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

**SO PROCLAIMED** this 15<sup>th</sup> day of November in the Year of our Lord, 2016.

---

James E. Faircloth, Jr.  
Mayor, City of Perry, Georgia



**Where Georgia comes together.**  
Department of Community Development

**Public Hearing**  
**November 15, 2016**  
**Tuesday @ 6:00 PM**

October 25, 2016

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

Re: Rezoning Application #R-16-04  
South Perry Parkway, West Hwy 41, Perry

Dear Mayor and Council:

On October 24, 2016 the Perry Planning Commission reviewed the above referenced petition for a rezoning request as submitted by Perry Capital, LLC.

The request was for a change in the land use in the PUD #7 for Perry Preserve to have the commercial area become recreational use and for the recreation area to become housing.

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

Sincerely,

Jacob W. Poole, Chairman  
Perry Planning Commission

JWP/cs

# STAFF REPORT

**CASE NUMBER: R-16-04**

**APPLICANT: Perry Capital LLC**

**REQUEST:** The request is to change land use in the PUD #7 for Perry Preserve.

**LOCATION:** South Perry Parkway

## **ADJACENT ZONING/LANDUSES:**

Parcel: PUD #7	
North: HC RAG	-Across the Perry Parkway, Farm Land
South: HC RAG	-Farm Land
East: C-2	-Vacant Land
West: HC RAG	-Farm Land

## **STANDARDS GOVERNING ZONE CHANGES:**

1. *The suitability of the subject property for the zoned purposes.* The property is suitable for its current zoning and is being developed according to the requirements of PUD #7.
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* The property values are not diminished by its current zoning.
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.* There is no destruction of property values.
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.* The change will allow an increase in the amount of acreage in recreational use and decrease the commercial use.
5. *Whether the subject property has a reasonable economic use as currently zoned. The property has economic value as currently zoned.* It can be developed as originally approved.
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.* The property ceased to develop after the economy downturn in 2007/2008. The request as proposed should enhance the sale ability of the property due to increased recreational facilities.

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 be compatible with the existing land use for this PUD.
8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* The proposed rezoning is not expected to affect the usability of nearby properties. The uses of neighboring properties will be able to continue.
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The Perry Service Area Land Use Map adopted by the Perry City Council recommends single family dwellings for this area. The Perry Fringe Area Future Land Use Map recommends residential and commercial use for this area.
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 infrastructure is currently in place for this development.
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.* The proposed land use changes within the PUD should enhance the developer's ability to revitalize the development.

**STAFF CONCLUSIONS:** The property in question is currently zoned PUD #7. The original approval of this PUD and its development standards are attached to this report. This request to redefine the use of acreage within the existing PUD constitutes a rezoning because you are changing the existing conditions. The request is to alter the recreation area by increasing the total acreage from 3.00 acres to 7.15 acres shown on the drawings from Ocmulgee. The request further alters the amount of commercial development allowed by decreasing the acreage from 12.3 acres to 6.10 acres also shown on the drawing from Ocmulgee. The original Perry Preserve Master layout is attached for your use.

The standards established by PUD #7 are not changing. The recreation area is proposed to move from the original location within the development to the entry area. This request to move will decrease the original commercial area as stated previously. Staff has no objections to this request.

# **THE PERRY PRESERVE**

## **Planned Unit Development - #7**

### **Development Standards for Perry Preserve**

1. The rights-of-way for residential streets shall be a minimum of 50 feet in width.
2. The paving widths of residential streets shall be as follows (measured back of curb to back of curb):

One-Way Street – 12 feet

Two-Way Street – 22 feet

### **Villages #1 and #2**

1. Permitted Uses – All uses permitted in the R-1 District and townhouses
2. Density – The overall density of each village shall not exceed 4.7 dwellings per acre.
3. Unless noted below, all other standards in the R-1 District shall apply.

### **Single Family Dwellings**

1. Setbacks – Front – 10 feet; 25 feet on main circulation road  
Interior Sides – 5 feet  
Exterior Sides – 10 feet; 25 feet on main circulation road  
Rear – 20 feet; 10 feet from alley
2. Minimum Lot Size – 4,800 square feet
3. Minimum Lot Width – 40'
4. Maximum Lot Coverage – 50%

### **Townhouses**

1. Setbacks – Front – 10 feet; 25 feet on main circulation road  
Interior Sides – attached 0 feet, unattached 5 feet  
Exterior Sides – 10 feet; 25 feet on main circulation road  
Rear – 20 feet; 10 feet from alley
2. Minimum Lot Size – 2,000 square feet
3. Minimum Lot Width – 20 feet
4. Maximum Lot Coverage – 50%

5. No more than ten (10) nor fewer than three (3) continuous townhouses shall be built in a row with approximately the same front line.
6. No side yard is required except that on corner and interior lots. The end of the building in any townhouse grouping shall conform to the side yard requirements of that district.

#### **Adult Living Area**

1. Permitted Uses – Same as the R-1 District
2. Density – The overall density of the adult living area shall not exceed 5.5 dwellings per acre.
3. Minimum Lot Size – 4,000 square feet
4. Minimum Lot Width – 40 feet
5. Minimum Lot Coverage – 60%
6. Setbacks – Front – 10 feet; 25 feet on main circulation road  
Interior Sides – 5 feet  
Exterior Sides – 10 feet; 25 feet on main circulation road  
Rear – 20 feet; 10 feet from alley
7. All other development standards same as the R-3 District.

#### **Multi-Family Area**

1. Permitted Uses – Multi-Family Dwellings and associated accessory uses
2. Density – The overall density of the multi-family area shall not exceed 15 dwellings per acre.
3. Setbacks – Front – 25 feet  
Sides – 5 feet  
Rear – 25 feet
4. Minimum Lot Size – 10,000 square feet
5. Minimum Lot Width – 70 feet
6. Maximum Lot Coverage – 50%
7. All other development standards same as the R-3 District.



### **Retail Area**

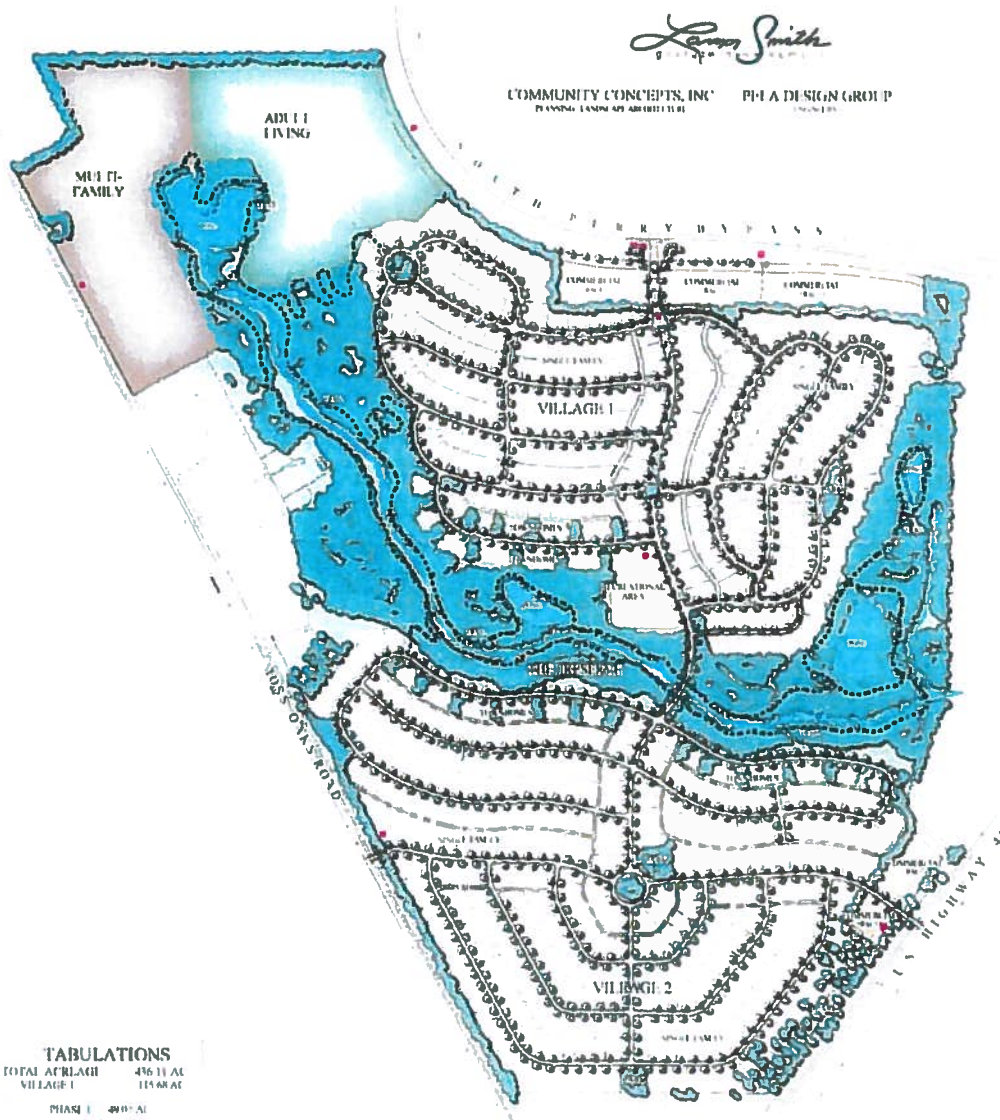
1. Permitted Uses – Same as the C-2 District
2. Development Standards – Same as the C-2 District



ILLUSTRATIVE MASTER PLAN  
**PERRY PRESERVE**  
 PERRY, GEORGIA

*Lynn Smith*  
 ARCHITECT

COMMUNITY CONCEPTS, INC. P+L-A DESIGN GROUP  
 PLANNING, LANDSCAPE ARCHITECTURE ARCHITECTURE



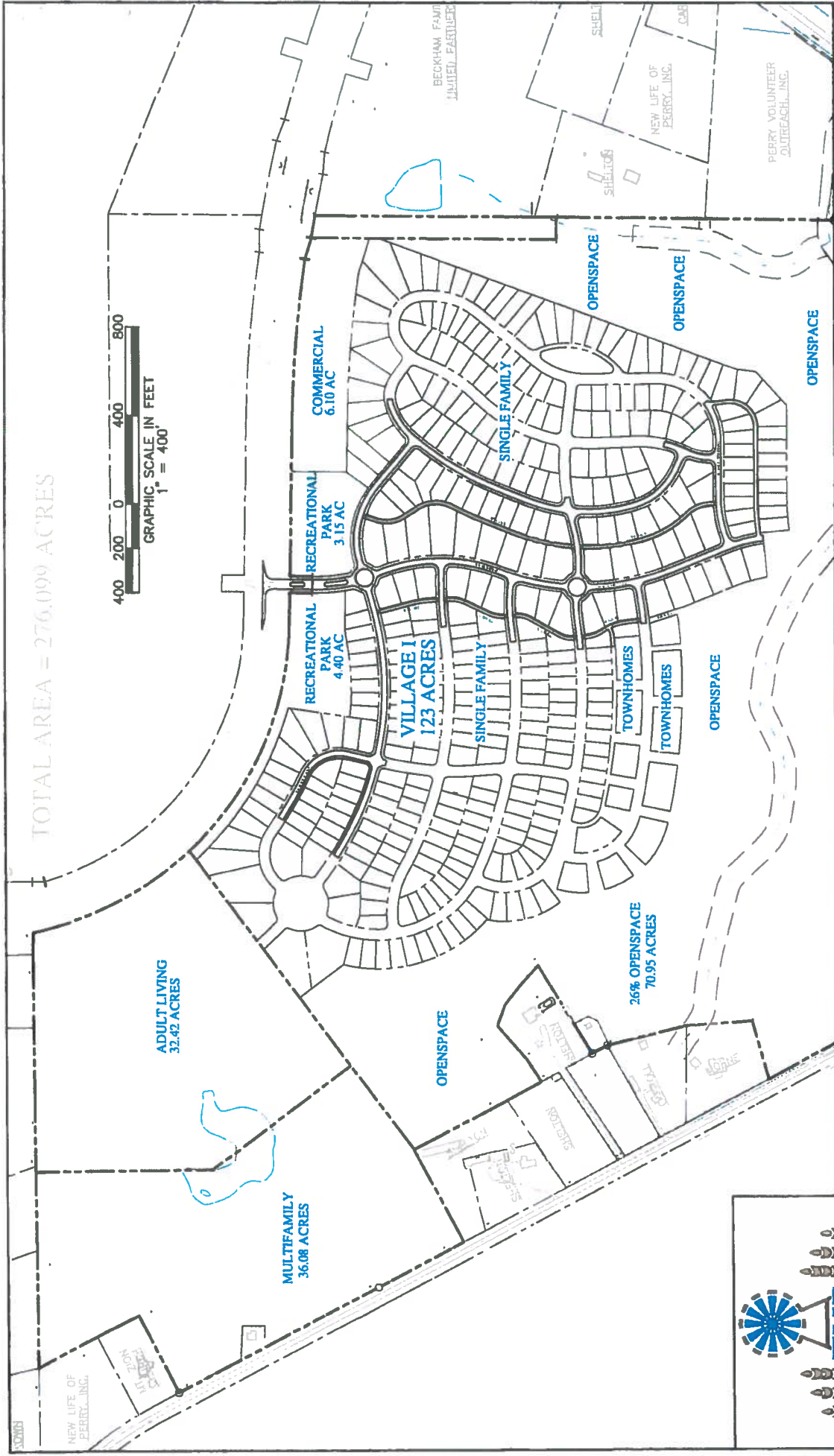
**TABULATIONS**

TOTAL ACREAGE	436.11 AC
VILLAGE 1	115.68 AC
PHASE 1 200.00 AC	
ADULT LIVING	29.33 AC
MULTI-FAMILY	30.00 AC
TOTAL 200.00 AC	
TOTAL 436.11 AC	
RECREATION AREAS	3.00 AC
GREENSPACE	116.54 AC
OPEN SPACE	23.00 AC



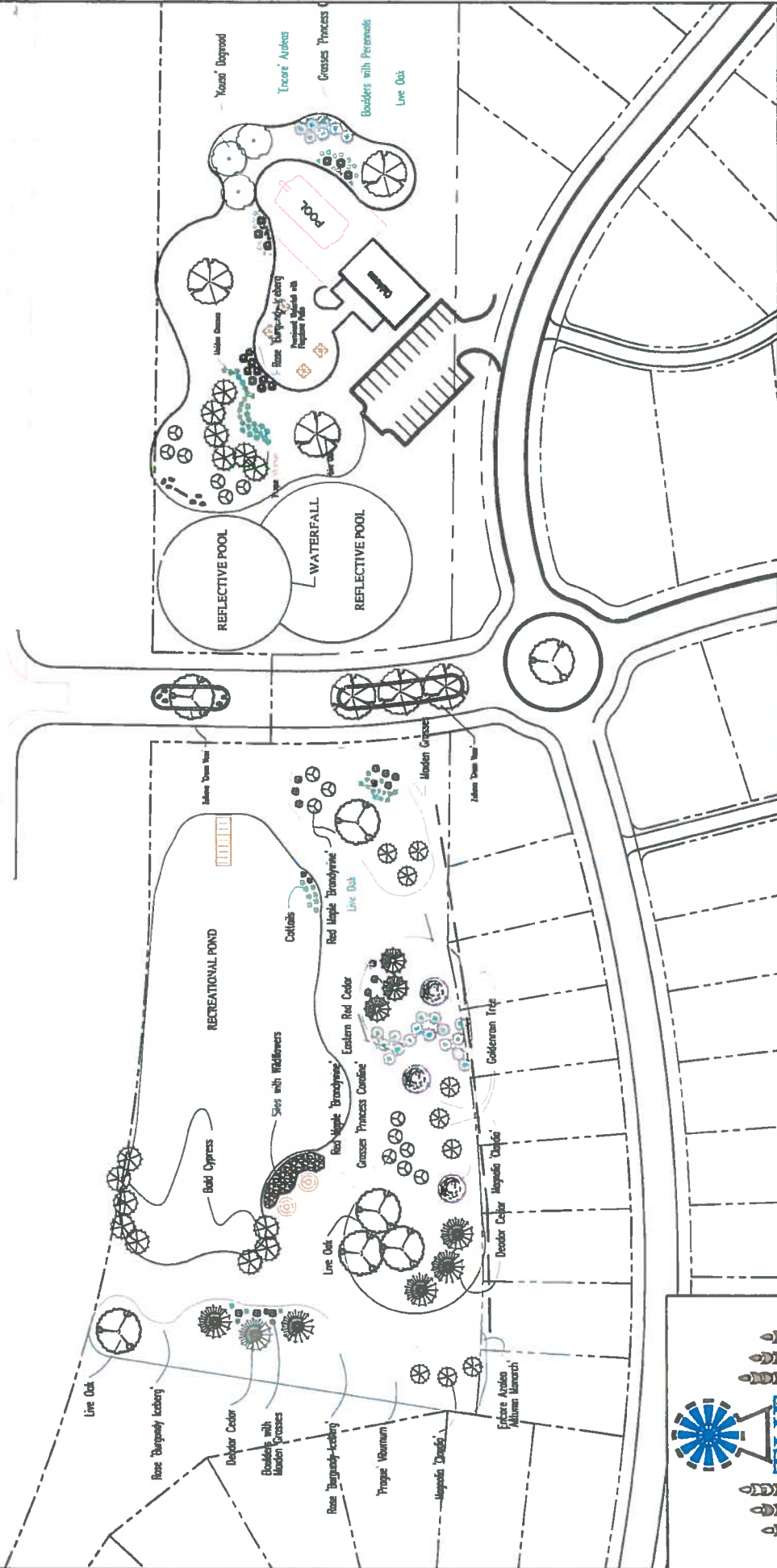
NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE AT OWNERS DISCRETION.

TOTAL AREA = 276,099 ACRES



**Ocmulgee, Inc.**  
 2000 W. WOODBRIDGE BLVD., SUITE 200  
 MARIETTA, GA 30067  
 Phone (770) 232-9970  
 Fax (770) 232-9977  
 Perry Living - New

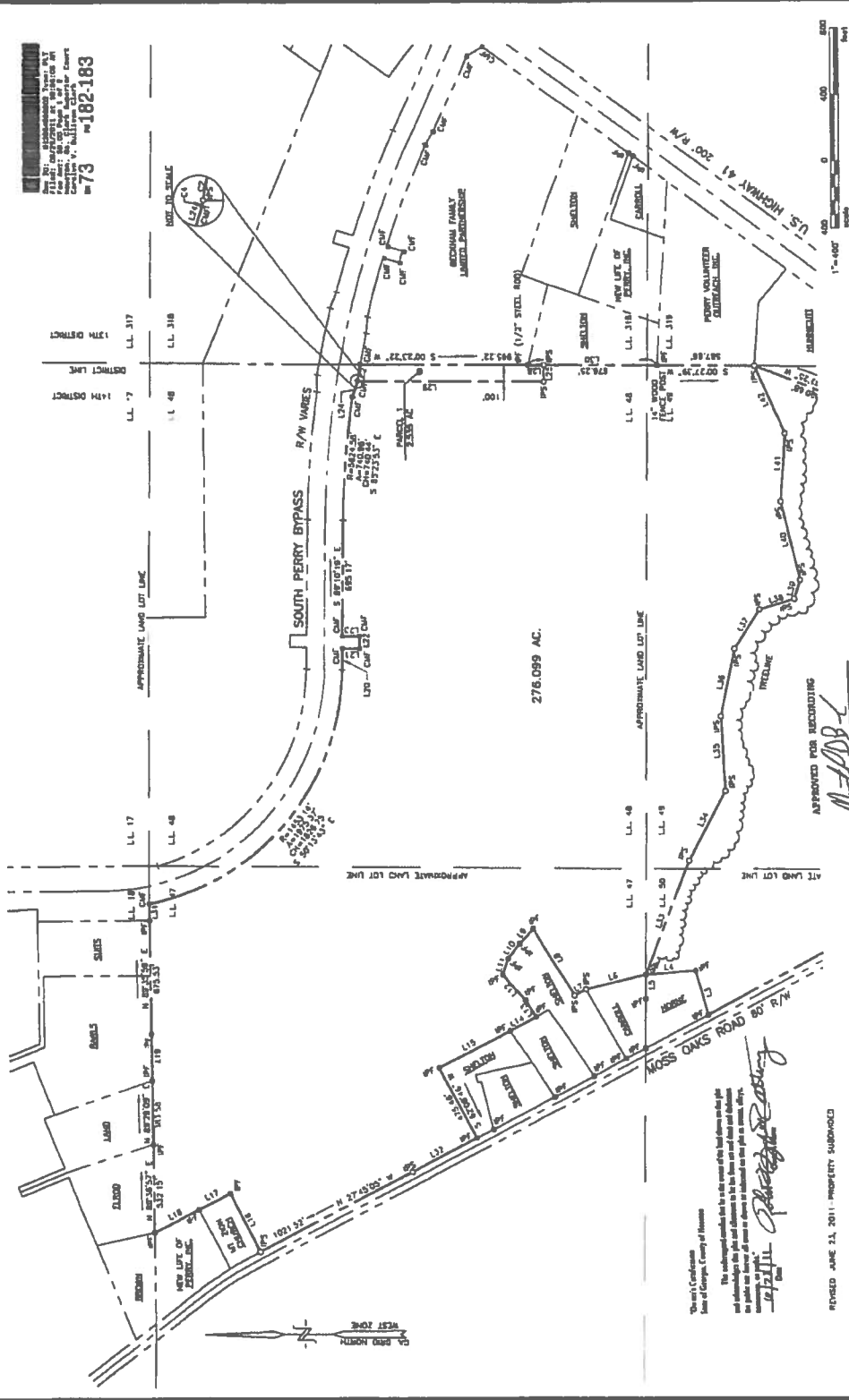




**Ocmulgee, Inc.**  
 300 N. W. 10th Street, Suite 100  
 Perry, Georgia 31069  
 Phone: (770) 234-7979  
 Fax: (770) 234-7977



182-183  
73



PROPERTY PLAT  
FOR  
**LAMAR SMITH**  
SECTION 213  
FOUNDED DISTRICT  
WALTON COUNTY  
FEBRUARY 9, 2008  
SCALE: 1" = 400'  
**WADDLE & COMPANY**  
104 WOODBRIDGE DR.  
DADE CITY, FL 33833  
TEL (813) 833-2743 FAX (813) 833-2144



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF LAW.  
*Mark W. Waddle*  
REGISTERED SURVEYOR

THIS MAP HAS BEEN CALCULATED FOR CLOSENESS AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,212.48 FEET.

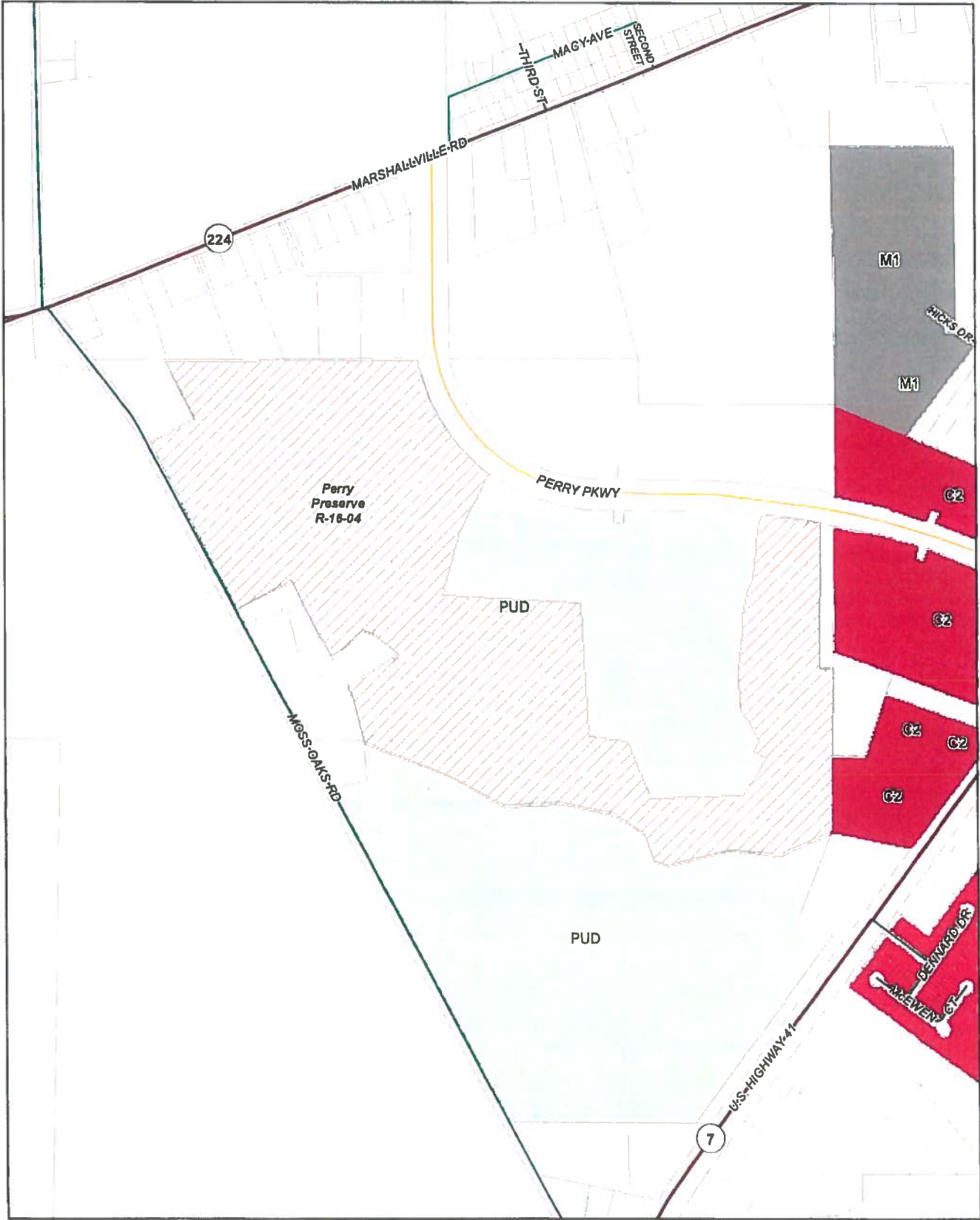
APPROVED FOR RECORDING  
*[Signature]*  
City of Perry, Georgia  
Deputy Clerk

BEARINGS SHOWN ARE CALCULATED FROM ANGLES TURNED AND ALL LINEAR DISTANCES MEASURED FROM FIELD DATA USING A STATIONARY SET 3.

THIS PROPERTY IS NOT LOCATED IN A FLOODED HAZARD AREA IN ACCORDANCE WITH THE FLOOD INSURANCE RATE MAP NUMBER 13047-PAA-0123A, EFFECTIVE DATE JUNE 4, 1995.

THE SURVEYOR'S CERTIFICATE  
I, the undersigned, certify that the plat herein is a true and correct representation of the land shown on the plat and that the same has been prepared in accordance with the requirements of law.  
*[Signature]*  
Surveyor

REVISED: JUNE 21, 2011 - PROPERTY SUBDIVISION



**Legend**

Perry Zoning	C3	M2	R2
LC	GU	OC	R2A
C1	N	PUD	R3
C2	M1	R1	RAG
			RMH



1 inch = 1,000 feet



City of Perry Zoning Review  
Case: R-16-04



**MINUTES**  
**WORK SESSION MEETING**  
**OF THE PERRY CITY COUNCIL**  
**October 31, 2016**  
**5:03 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr. called to order the work session meeting held October 31, 2016 at 5:03 p.m.

2. Roll:

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

Elected Official Absent: None

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

City Departmental Staffing: Major William Phelps – Police Department, Decius Aaron – Director of Public Works, Kevin Dye – Director of Leisure Services, Brenda King – Director of Administration, and Fire Chief Lee Parker – Fire and Emergency Services.

Guest(s) / Speaker(s): Ashley Hamsley, Sam Perren, Robert Betzel and Mike Baker

Media: Kristin Moriarty - Houston Home Journal

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

3a. Discussion of Perry Area Convention and Visitors Bureau Authority member qualifications – Mr. L. Gilmour. Mr. Gilmour reviewed his memo to Mayor and Council relative to the Perry Area Convention and Visitors Bureau Authority member qualifications and recommended asking the local delegation to amend the Act to state the two (2) at- large positions be from the hospitality industry. Ms. Hamsley supported Mr. Gilmour's recommendation. It was the consensus of Council to proceed with Administration's recommendation of asking the local delegation to amend the Act to state the two (2) at- large positions be from the hospitality industry.

3b. Review recommendation for City of Perry VoIP phone system RFP – Ms. B. King. Ms. King presented Mr. Sam Perren and Mr. Robert Betzel to mayor and council relative to the recommendation for the City of Perry VoIP phone system RFP. Mr. Betzel provided a synopsis of the response review and opinion of the RFP and stated the committee recommended awarding the VoIP phone service contract to ComSouth. Council Member Hunt inquired about the

funding for this project. Mr. Gilmour stated the initial funds would come from General Capital Project Funds and then the leasing would come from the General Fund. Mayor Faircloth directed this item be placed on tomorrow's council agenda for a vote.

- 3c. Discuss landscaping plan review RFP's – Mr. L. Gilmour. Mr. Gilmour followed up with Mayor and Council relative to a RFP for non-residential landscape design services. The proposal provided two areas of review, non-residential site plans and review codes. Twelve RFP's were sent out and two responses were received. Both proposals met all requirements of the RFP and Administration recommended proceeding with Widner & Associates, Inc. for the difference in time it is more inexpensive. The fees would be paid for by the developer/builder as part of the regular process. Mayor Faircloth requested this item be placed on tomorrow's council agenda for a vote.
- 3d. Discuss possible SPLOST projects – Mr. L. Gilmour. Mr. Gilmour stated he would like to use the proposed projects as examples for potential projects to be funded by the upcoming SPLOST and the SPLOST monies in these particular areas be used for full or partial debt service. Mr. Gilmour would also like to present from the City of Perry the upgrade for public safety radio communication devices be a county-wide expense. Council concurred to proceed with Administration's recommendation.
- 3e. Consider establishing an apprentice program for the Department of Public Works – Mr. D. Aaron. Mr. Aaron presented for Mayor and Council's consideration an apprenticeship program. Council concurred tabling this item until a new Director of Public Works is hired.

#### 4. Council Member Items:

Mayor Pro Tempore Walker and Council Members Hunt, King, and Jackson had no reports.

Council Member Bynum-Grace expressed her concerns relative to a hole at Westwood Trailer Park. Mayor Pro Tempore Walker suggested going to the owner and asking him to repair the hole. Mr. Gilmour will ask Mr. Howard to speak to Mr. Mullins about repairing the hole.

Council Member Jones stated he has received several calls relative to speeding on Tucker Road between Frank Satterfield Road and Tucker Elementary School.

Mr. Gilmour asked Council if they wanted to go through the normal process to fill the Director of Public Works position. Council concurred proceeding with the normal process.

Attorney Walker had no report.

#### 5. Department Head Items:



Ms. King, Major Phelps and Chief Parker had no reports.

Mr. Dye

- November 18<sup>th</sup>, Fall movie night
- November 19<sup>th</sup>, Rotary Football Classic
- An Eagle Scout has completed his bench project at Rotary Centennial Park

Mr. Aaron announced a stormwater survey would be coming out soon and the Fall clean-up was successful.

Mayor Faircloth thanked Mr. Aaron for his service to the City and community.

6. Adjournment: There being no further business to come before Council in the work session held October 31, 2016 Council Member Hunt motioned to adjourn the meeting at 5:56 p.m.; Council Member King seconded the motion and it carried unanimously.

**MINUTES**  
**PRE COUNCIL MEETING**  
**OF THE PERRY CITY COUNCIL**  
**November 1, 2016**  
**5:00 P.M.**

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

2. Roll:

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

Elected Official(s) Absent: Mayor Pro Tempore Randall Walker

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

City Staff Absent: City Manager Lee Gilmour

Departmental Staffing: Major William Phelps – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Kevin Dye – Director of Leisure Services, Robert Smith – Economic Development Director, Brenda King – Director of Administration, Decius Aaron – Director of Public Works, and Ellen Palmer – Digital Communications Manager.

Guests: Darlene McLendon and Bill O’Neal

Media: Kristian Moriarty – Houston Home Journal

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

Mayor Faircloth deviated from the agenda.

Mayor Faircloth congratulated Mr. Smith on the birth of his son.

Ms. McLendon presented a proposal to Mayor and Council; it was the consensus of Council to proceed with the project as described and authorize one parking space at each City public building for said project.

- 3a. Discussion of November 1, 2016 council meeting agenda.

9b (1). Bid No. 2017-05 Public Safety Building Windows. Council Member Hunt expressed his concerns relative to receiving only one response for said bid. Council Member Jackson stated building is on the rise and contractors are backed up.

9c. Request from the Perry Public Arts Commission for their 4<sup>th</sup> Annual Perry Buzzard Drop on December 31, 2016 from 7:00 pm until 1:00 am. Major Phelps recommended approval of the street closures and special event alcoholic beverage permit.

4. Department Head Items:

Ms. Palmer reported reaching 6,000 plus people on Facebook.

Ms. King, Mr. Aaron, Chief Parker, Major Phelps and Mr. Smith had no reports.

5. Council Member Items:

Council Member Hunt asked how much money the City is contributing to the Buzzard Drop. Mayor Faircloth advised \$5,000.

Council Members Bynum-Grace, Hunt, King, Jackson, and Jones had no reports.

Attorney Walker had no report.

Mayor Faircloth

- November 14<sup>th</sup>, Council work session
- November 15<sup>th</sup>, Pre council and council meetings
- Encouraged everyone to vote

6. Adjourn: There being no further business to come before Council in the pre council meeting held November 1, 2016 Council Member King motioned to adjourn the meeting at 5:55 p.m.; Council Member Jones seconded the motion and it carried unanimously.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
November 1, 2016  
**6:00 P.M.**

1. Call to Order: James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held November 1, 2016 at 6:00 p.m.

2. Roll.

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

Elected Official(s) Absent: Mayor Pro Tempore Randall Walker

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

Staff Absent: City Manager Lee Gilmour

City Departmental Staffing: Major William Phelps – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Robert Smith – Economic Development Director, Kevin Dye - Director of Leisure Services, Brenda King – Director of Administration, Decius Aaron – Director of Public Works, and Ellen Palmer – Digital Communications Manager.

Guest(s)/Speaker(s): Sarah Paulk, and Belinda Enamorado and members of the Juvenile Diabetes GA Chapter

Media: Kristin Moriarty - Houston Home Journal, Wayne Crenshaw – Macon Telegraph, 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 Bynum-Grace led the pledge of allegiance to the flag.

4. Presentation(s)/Recognition(s): Mayor James E. Faircloth, Jr.

\* Recognition of Ms. Brenda King for 30 years of service – Mayor Faircloth

Mayor Faircloth presented Ms. King a service pin recognizing her 30 years of service to the City of Perry and a gift certificate. Mayor and Council thanked Ms. King for her service to the City of Perry.

\* Proclamation Recognizing Juvenile Diabetes Research Foundation Day – Mayor Faircloth

Mayor Faircloth presented Ms. Belinda Enamorado and members of the GA Chapter of Juvenile Diabetes with a proclamation recognizing Juvenile Diabetes Research Foundation Day.

5. Community Partners Update(s):

\* Mr. Stephen Shimp, Executive Director of the Georgia National Fairgrounds and Agricenter. Mr. Shimp thanked Mayor, Council, City staff, and the citizens for their support of the Georgia National Fairgrounds and Agricenter.

\* Ms. Darlene McLendon, President of Perry Area Chamber of Commerce. Ms. McLendon shared the following reminders:

- November 2<sup>nd</sup>, Annual State of the Community Luncheon
- November 2<sup>nd</sup>, Ashley Marie Boutique (Business of the Month)
- December 1<sup>st</sup>, Taste of Southern

\* Ms. Sarah Paulk, Director of Houston County Library, provided a year in review of the library.

6. Citizens with Input. Darren Woolfolk, 926 Jeannie Street, reported the employees look nice in their new uniforms and asked for Mayor and Council's assistance with the speeding in her neighborhood. Mayor Faircloth asked Major Phelps to assist Ms. Woolfolk with her concerns.

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

7a. Council's Consideration – Minutes of the October 17, 2016 work session, October 18, 2016 pre council meeting, October 18, 2016 council meeting and October 20, 2016 called meeting.

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Jones seconded the motion, and it carried unanimously.

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

- 8a. Mayor James E. Faircloth, Jr. - None
- 8b. Council Members – None
- 8c. City Manager Lee Gilmour - Absent
- 8d. City Attorney David Walker - None

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

9a. Matters referred from October 31, 2016 work session and November 1, 2016 pre council meeting.

1. Selection of ComSouth for the provision of the City's VoIP phone system.

Council Member Jones motioned to award the contract for the City's VoIP phone system to ComSouth; Council Member Jackson seconded the

motion and it carried unanimously.

2. Selection of Widner and Associates, Inc. for landscape plan review services.

Council Member King motioned to award the landscaping plan review services contract to Widner and Associates, Inc.; Council Member Jones seconded the motion and it carried unanimously.

9b. Award of Bid(s):

1. Bid No. 2017-05 Public Safety Building Windows

Mr. Aaron presented for Council's consideration an award of bid for the removal and disposal of twenty-six (26) windows and replacement with new vinyl double hung, double pane windows and window trim at the City of Perry Public Safety Building. Staff recommended awarding the bid to J W Shuttlesworth, Inc. in the amount of \$16,750.39. Council Member Jones motioned to award Bid No. 2017-05 to J W Shuttlesworth, Inc. in the amount of \$16,750.39; Council Member Bynum-Grace seconded the motion and it carried unanimously.

9c. Request from the Perry Public Arts Commission for their 4<sup>th</sup> Annual Perry Buzzard Drop on December 31, 2016 from 7:00 pm until 1:00 am – Chief S. Lynn.

1. Approval of street closures:

- Closure of Carroll Street 800 block
- Closure Jernigan Street
- Closure of Ball Street
- Closure of Main Street and Commerce Street
- Closure of Jernigan Street/Main Street/Carroll Street
- Closure of Carroll Street/Marion Street/Washington Street
- Closure of Jernigan Street/Carroll Street/Commerce Street

Major Phelps advised he had reviewed the request for street closures and recommended approval. Council Member Jones motioned to approve the street closures as submitted for the 4<sup>th</sup> Annual Perry Buzzard Drop on December 31st; Council Member King seconded the motion and it carried unanimously.

2. Approval of a special event alcoholic beverage permit.

Major Phelps stated he had reviewed the request for a special event alcoholic beverage permit and recommended approval. Council Member Bynum-Grace motioned to approve the special event alcoholic beverage permit for the 4<sup>th</sup> Annual Perry Buzzard Drop on December 31st; Council Member Jones seconded the motion and it carried unanimously.

10. Other Business/Supplemental Agenda: Mayor James E. Faircloth, Jr.

10a. Resolution(s) for Consideration and Adoption:

1. Resolution appointing the Director of Community Development Adopted Resolution 2016-54 appointing Mr. Bryan Wood, Director of Community Development. Mayor Faircloth read said resolution and opened the floor for a motion. Council Member Jones motioned to appoint Mr. Bryan Wood as Director of Community Development effective no later than December 12, 2016. Council Member Jackson seconded the motion and it carried unanimously. (*Resolution 2016-54 has been entered into the City's official book of record.*)

11. Department Head Items.

Ms. King, Mr. Aaron, and Ms. Palmer had no reports.

Major Phelps reported the Christmas Parade will be held on December 3<sup>rd</sup> at 4 p.m.

Mr. Dye

- November 18<sup>th</sup>, Fall movie night
- November 19<sup>th</sup>, Rotary Football Classic

12. Council Members Items: Council had no reports.

13. General Public Items: None

14. Mayor Items:

Mayor Faircloth

- November 11<sup>th</sup>, Veterans Day Program at Perry Arts Center
- November 14<sup>th</sup>, Council's work session
- November 15<sup>th</sup>, Pre council and council meetings
- November 22<sup>nd</sup>, Walk with Mayor and Council
- Reminded everyone to please vote

15. Adjournment: With no further business to come before the Council, Council Member Hunt motioned to adjourn the November 1, 2016 council meeting at 6:50 p.m.; Council Member Jones seconded the motion and it carried unanimously.

# City of Perry

## Ordinance Review Check List for Second Reading

\_\_\_\_\_ City Attorney (Ordinance was prepared by Mr. Walker)

LG \_\_\_\_\_ City Manager – Lee Gilmour

[Signature] \_\_\_\_\_ Department Head

Notes:



ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

1.

By deleting Sec. 15-34(a) in its entirety.

2.

By adding a new Sec. 15-34(a) as follows:

- (a) Each such occupation tax shall be for the calendar year 2016 and succeeding calendar years thereafter unless otherwise specifically provided. Said registration and occupation tax shall be payable January 1 of each year and shall be delinquent if not paid by April 1 of each year and shall be subject to a ten (10) percent penalty. Thereafter, any occupation tax that remains delinquent shall bear interest at the rate of 1.5 percent per month. On any new profession, trade or calling begun in the city in 2016 or succeeding years thereafter, the registration and tax shall be delinquent if not obtained immediately upon beginning business and a ten (10) percent penalty imposed. The tax registration herein provided for shall be issued by the tax clerk and if any person, firm, or corporation whose duty it is to obtain a registration shall, after said registration or occupation tax becomes delinquent, transact or offer to transact, in the city, and of the kind of profession, trade or calling in this article specified without having first obtained said registration, such offender shall, upon the conviction of the city judge, be punished as provided in Section 1-10 of this Code, and each day's failure to comply with any such provision shall constitute a separate offense.

SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF PERRY, GEORGIA

By: \_\_\_\_\_  
James E. Faircloth, Jr. - Mayor

Attest: \_\_\_\_\_  
Annie Warren - City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_



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## MEMORANDUM

TO: Mr. Gilmour, City Manager

FROM: Karen Bycenski KB

DATE: November 9, 2016

REFERENCE: Updated Policies – EEO and Anti-Harassment

Attached you will find copies of updated Equal Employment Opportunity (EEO) and Anti-Harassment policies. These policies were obtained during training provided on HRExpress by attorneys from the law firm of Elarbee Thompson. Both policies have been reviewed and approved by City Attorney David Walker.



WALKER HULBERT GRAY & MOORE, LLP

ATTORNEYS AT LAW

LARRY WALKER  
DAVID G. WALKER  
DAVID P. HULBERT, JR.  
MICHAEL G. GRAY  
KELLYE C. MOORE  
JOHN W. HULBERT  
MATTHEW C. HULBERT  
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909 BALL STREET  
P.O. BOX 1770  
PERRY, GA 31069  
TELEPHONE: (478)987-1415  
FACSIMILE: (478)987-1077  
E-MAIL: mail@whgmlaw.com

November 7, 2016

Ms. Karen Bycenski  
Personnel Director  
City of Perry  
P.O. Box 2030  
Perry, Georgia 31069

**RE: *Anti-Harassment Policy and Equal Employment Opportunity Policy***

Dear Karen:

As I previously advised you by telephone, I have reviewed the above referenced policies and, with the changes that you and I discussed on the telephone, I approve these policies.

If you have questions, please contact me.

Very Truly Yours,

WALKER, HULBERT, GRAY & MOORE, LLP

A handwritten signature in blue ink that reads "David".  
David G. Walker

DGW/epz

# **EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY**

## **Statement of Policy**

The City of Perry is an Equal Employment Opportunity Employer. As such, the City of Perry is committed to providing equal employment and advancement opportunity for all employees and applicants for employment without regard to:

- (a) Race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes a mandatory qualification under federal or state law), age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state and local laws:
- (b) Current or previous (i) opposition to an alleged violation of the Policy or any federal, state, or local law prohibiting employment discrimination or (ii) participation in a complaint, investigation, lawsuit or other official proceeding relating to any such alleged violation; or
- (c) Association with or support of others who fall within any such classification or status or who engaged in any such protected opposition or participation.

## **Coverage and Applicability**

This Policy covers all applicants for employment and City of Perry employees (including supervisors, managers, and department heads), as well as non-employees associated with the City of Perry (including elected officials, appointed officials, volunteers, contractors, sub-contractors, vendors, and program participants). All such employees, applicants and other covered individuals are expected to adhere to the standards of conduct that this Policy establishes, to support and cooperate in its enforcement, and to report any violations that they observe or experience themselves.

This Policy applies to all terms and conditions of employment, including but not limited to, recruitment, testing, hiring, placement, assignment, transfer, promotion, performance review, discipline, termination, layoff, recall, leave of absence, compensation, benefits, training, testing, and work environment.

## **Employment Qualifications**

Nothing contained in the Policy is intended or shall be interpreted or applied to require that a less qualified employee or applicant be favored or preferred over a better qualified employee or applicant due to his/her membership in any of the above-stated classifications protected by applicable federal, state, or local laws.

### **Reporting Procedure: Investigations**

No employee or applicant should assume that the City of Perry is aware of a problem. To the contrary, employees and applicants who believe that they have experienced or observed discrimination or retaliation in violation of this EEO Policy are expected and strongly encouraged to report the matter promptly through the Reporting Procedure set forth in the City of Perry Anti-Harassment Policy so that it may be investigated and remedied as quickly as possible.

All reports of alleged violations of this Policy will be investigated promptly, thoroughly, and impartially. The investigation may include interviews with the parties involved and, where necessary, with individuals who may have observed the alleged violation or may have other relevant knowledge. To the extent practical and consistent with the City of Perry's obligations under the Open Records Act and other applicable federal, state, or local laws, confidentiality will be maintained throughout the investigatory process.

Any employee, applicant, or other covered individual with any questions or concerns relating to any aspect of this Policy may contact the City Manager or Personnel Analyst for assistance.

### **Policy Violations**

The City of Perry is serious about enforcing this Policy. Any employee determined to have engaged in discrimination or retaliation in violation of this Policy will be subject to disciplinary or other corrective action, up to and including termination of employment.

# **ANTI-HARASSMENT POLICY OF THE CITY OF PERRY**

## **Policy Statement**

It is the policy of the City of Perry to maintain a workplace free from harassment based upon race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws. All such workplace harassment is strictly prohibited and will not be tolerated. The City of Perry also prohibits retaliation against employees or prospective employees reporting workplace harassment or participating as a witness or otherwise in any investigation or other proceeding relating to a complaint of workplace harassment.

## **Workplace Harassment Defined**

Workplace harassment is verbal or physical conduct that is either (a) directed toward an individual or (b) reasonable offensive to an individual on the basis of race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws.

All employees, including supervisors and managers, as well as all City of Perry officials are covered by this Policy and are prohibited from engaging in any form of harassing or retaliatory conduct. In addition, harassment or retaliation of any employee in connection with the employee's work by non-employees is also prohibited. Moreover, this Policy is applicable to and prohibits all forms of harassment that adversely affects the workplace, regardless of whether it actually takes place in the workplace or during work hours.

## **Examples of Workplace Harassment**

Workplace harassment may include, but is not limited to, the following:

- (a) Epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to any of the categories set forth in Paragraph 1 of this Policy;
- (b) Written or graphic materials which are offensive to an individual related to any of the categories set forth in Paragraph 1 of this Policy, and which are displayed or distributed in the workplace, including via social media or any other electronic means; or
- (c) Threatening, intimidating, abusive, or hostile acts directed to an individual because of his or her report or complaint of workplace harassment or participation as a witness or otherwise in any investigation or other proceeding relating to such a report or complaint.

This Policy prohibits harassing conduct as defined herein, without regard to whether such conduct would also violate state or federal anti-harassment laws.

### **Sexual Harassment Defined**

Sexual harassment is a category of workplace harassment. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (a) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (c) The conduct has the purpose or actual or potential effect of interfering with the individual's performance or of creating an intimidating, hostile, or offensive working environment.

### **Examples of Sexual Harassment**

Sexual harassment may include, but is not limited to, the following:

- Verbal conduct, such as derogatory comments, slurs, unwanted sexual advances, or sexually-oriented verbal references, jokes, kidding, or abuse;
- Physical conduct, such as unwanted touching, patting, pinching, blocking normal movement, or assault;
- Subtle or explicit pressure for sexual activity;
- Demands to submit to sexual requests, accompanied by implied or direct promises of preferential treatment or threats concerning an individual's employment status;
- Visual harassment such as sexually-explicit or sexually-derogatory posters, obscene gestures, cartoons, photographs, or drawings including those in electronic format; and
- Any conduct that insults, demeans, or in any way treats differently an individual who is perceived as not conforming to certain male or female gender role expectations.

This Policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

### **Employee Responsibility**

Employees should not tolerate workplace harassment (including sexual harassment) as defined by this Policy. Any employee who believes that he or she has experienced such harassment or who is aware of the harassment of other employees or prospective employees has a duty to immediately report the potential policy violation so that an investigation can be conducted and any appropriate corrective action can be taken. Any such complaints or reports should be made to the employee's supervisor, department head, City Manager, or Personnel Analyst.

While not mandatory, complaints or reports of workplace harassment (including sexual harassment) should be made in writing whenever possible and should include all details, specifying all names, dates, times, etc.

Employees are prohibited from participating in, promoting, or supporting any form of workplace harassment (including sexual harassment) as defined by this Policy. This Policy extends to all electronic and voice mail communications.

### **Management Responsibility**

Managers and supervisors are to comply with the City of Perry's Anti-Harassment Policy and to work to prevent, detect, and correct any harassment occurrences in their areas of responsibility. Managers and supervisors are responsible for ensuring that the employees under their supervision are aware of the Policy and that all complaints or reports of workplace harassment (including sexual harassment) are promptly reported and properly investigated, and that any appropriate correct action is taken. Managers and supervisors are also responsible for cooperating with the scheduling of employees under their supervision for any mandatory anti-harassment training.

### **Training**

Employees must participate in any anti-harassment training provided by the City of Perry related to harassment prevention. Participation in training is necessary to achieve and maintain our goal of a harassment-free workplace.

### **Retaliation Strictly Prohibited**

As stated herein, employees have a duty to report any harassing conduct they either experience or observe. Retaliation against any individual for reporting conduct which he or she believes to constitute workplace harassment (including sexual harassment) or for otherwise participating in any investigation or other proceeding relating to such a complaint or report is a serious violation of this Policy and will be subject to appropriate corrective and/or disciplinary action, up to and including termination of employment.

### **Complaint Procedure**

Any reported violation of this Policy will receive prompt and appropriate action. Any employee or prospective employee who believes that he or she has been subjected to workplace harassment (including sexual harassment) or retaliation as defined by this Policy or who is aware of the harassment of or retaliation against other employees or prospective employees, should immediately contact his or her supervisor, department head, City manager, or Personnel analyst. If an employee believes his or her complaint or report of harassment or retaliation is not being properly addressed, he or she should notify the City Manager.

The City of Perry will promptly investigate all complaints or reports of workplace harassment (including sexual harassment) or retaliation that comes to its attention. When conducting an



investigation, care will be taken to protect confidentiality to the degree possible, while still permitting a meaningful investigation to be conducted.

Any employee found to have engaged in workplace harassment (including sexual harassment) or retaliation as defined by this Policy will be subject to appropriate corrective and/or disciplinary action, up to and including termination of employment.



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**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

**TO:** Mayor/Council  
**FROM:** Lee Gilmour, City Manager  
**DATE:** November 9, 2016  
**REFERENCE:** Quit Claim Recommendation

Attached is the proposed quit claim document releasing the unopened portion of Marion Street to the adjacent owner subject to retaining a stormwater easement. The Administration recommends Council approve the document and proceed with the process.

cc: Mr. D. Walker, City Attorney

(Above space for recording officer use.)

File:P16-602

Paid & Return: David G. Walker  
WALKER, HULBERT, GRAY & MOORE, LLP  
909 Ball Street \* P.O. Box 1770  
Perry, Georgia 31069

QUIT-CLAIM DEED

STATE OF GEORGIA  
COUNTY OF HOUSTON

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, in the year Two  
Thousand Sixteen (2016), between

CITY OF PERRY, GEORGIA

of the State of Georgia and County of Houston, as party or parties of the first part, hereinafter called  
Grantor, and

CHARLIE J. ANDERSON

of the State of Georgia and County of Dooly and duly organized and existing under the laws of the  
State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words  
"Grantor" and "Grantee" to include their respective heirs, successors and assigns, where the context  
requires or permits). It is understood that if more than one person joins in the execution of this  
instrument as Grantor or is named herein as Grantee, or if any be of the feminine sex, the pronouns  
and relative words used herein shall be read as if written in the plural or the singular, respectively,  
as the case may be.

WITNESSETH: That the said Grantor, for and in consideration of **OTHER GOOD AND  
VALUABLE CONSIDERATIONS and ONE and 00/100 (\$1.00)-----DOLLARS** in hand  
paid, the receipt whereof is hereby acknowledged, has bargained, sold, and by these presents does  
remise, convey and forever QUIT-CLAIM to the said Grantee, all of my right, title and interest in  
and to the following described property, to-wit:

**All that tract or parcel of land situate and being in Land Lot 49 of the 10<sup>th</sup> Land District  
of Houston County, Georgia and in the City of Perry fronting on Commerce Street and  
being bounded now or formerly as follows: On the Northerly side by property of Mary  
Shelnutt; on the easterly side by property of Charlie James Anderson and Josephine R.  
Anderson; on the southerly side by Commerce Street and on the westerly side by  
property of Charlie J. Anderson.**

**A portion of said property is shown on a plat of survey recorded in Plat Book 22, Page  
165, Clerk's Office, Houston Superior Court as Marion Street 25' R/W (Unopened).**

**Grantor herein reserves an easement for the purpose of maintaining a sewer outfall line  
across said property, said easement being more particularly described in Deed Book 55,  
Page 4, Clerk's Office, Houston Superior Court.**

**TO HAVE AND TO HOLD** the said described premises to the said Grantee, so that neither  
the said Grantor nor any other persons claiming under Grantor shall at any time, by any means or  
ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances,  
or any rights thereof.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed this deed, the day and year above written.

**CITY OF PERRY, GEORGIA**

Signed, sealed and delivered  
in presence of:

✕ By: \_\_\_\_\_  
JAMES E. FAIRCLOTH Jr. - Mayor

✕ \_\_\_\_\_  
Witness

✕ Attest: \_\_\_\_\_  
ANNIE WARREN - City Clerk

✕ \_\_\_\_\_  
Notary Public

(CITY SEAL)