



Where Georgia comes together.

REGULAR MEETING OF THE PERRY CITY COUNCIL

May 2, 2017

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.
  - \* Introduction of new hires Tiffeni Fox and Devontay Burks – Chief S. Lynn
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Public Hearing: Mayor James E. Faircloth, Jr.

The purpose of this Public Hearing is to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-67A-3 (c).

- 7a. Petition for Rezoning and Annexation Application No. R-17-03. Applicant, Ocmulgee, Inc. for Ski Development, LLC requests rezoning and annexation of property consisting of 107.11 acres from Houston County R-1, to City of Perry R-2, Two Family Residential District and C-2, General Commercial District. The property is located at the corner of Sandefur Road and Danny Carpenter Drive – Mr. B. Wood.
- 7b. Petition for Rezoning Application No. R-17-05. Applicant, Byrd & Company, LLC requests rezoning of property from City of Perry R-3, Multi-Family Residential District to City of Perry Planned Unit Development. The property location is Champions Way at Houston Lake Road – Mr. B. Wood.
8. Review of Minutes: Mayor James E. Faircloth, Jr.
  - 8a. Council's Consideration – Minutes of the April 17, 2017 work session, April 18, 2017 pre council meeting and April 18, 2017 council meeting.
9. Old Business: Mayor James E. Faircloth, Jr.

9a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance to amend the Perry Code by deleting Section 4-21 in its entirety and adding a new Section 4-21 Unified Animal Control – Definitions – Chief S. Lynn.

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

- 10a. Mayor James E. Faircloth, Jr.
- 10b. Council Members
- 10c. City Manager Lee Gilmour
- 10d. City Attorney

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

11a. Matters referred from May 1, 2017 work session and May 2, 2017 pre council meeting.

11b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance for the rezoning of property consisting of 107.11 acres from Houston County R-1, to City of Perry R-2, Two Family Residential District and C-2, General Commercial District. The property is located at the corner of Sandefur Road and Danny Carpenter Drive - Mr. B. Wood. *(No action required by Council)*
2. **First Reading** of an ordinance for the annexation of property consisting of 107.11 acres from Houston County R-1, to City of Perry R-2, Two Family Residential District and C-2, General Commercial District. The property is located at the corner of Sandefur Road and Danny Carpenter Drive - Mr. B. Wood. *(No action required by Council)*
3. **First Reading** of an ordinance for rezoning of property from City of Perry R-3, Multi-Family Residential District to City of Perry Planned Unit Development. The property location is Champions Way at Houston Lake Road – Mr. B. Wood. *(No action required by Council)*

11c. Resolution(s) for Consideration and Adoption:

1. Resolution amending the Perry Fee Schedule – Mr. L. Gilmour.

11d. Establish a commercial Letter of Credit for Perry Preserve streets – Mr. C. McMurrian.

11e. Special Events Application(s):

1. The Perry Chamber of Commerce is hosting its Independence Parade and Freedom Fireworks event on Sunday, June 25, 2017, beginning at 6 p.m.
  - a. Approval of street closures – Chief S. Lynn

12. Council Members Items.
13. Department Heads Items:
14. General Public Items:
15. Mayor Items:
16. Adjourn.



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Department of Community Development

**Public Hearing**  
**May 02, 2017**  
**Tuesday @ 6:00 PM**

April 11, 2017

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

Re: Rezoning Application #R-17-03  
Corner of Sandefur Road and Danny Carpenter Drive  
HC000520-01400

Dear Mayor and Council:

On April 10, 2017 the Perry Planning Commission reviewed the above referenced petition for a rezoning request as submitted by Ocmulgee, Inc. on behalf of SKI Development, LLC.

The request was for the annexation and rezoning of the property consisting of 107.11 acres from Houston County R-1, to City of Perry R-2, Two Family Residential District and C-2, General Commercial District.

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

Sincerely,



Jacob W. Poole, Chairman  
Perry Planning Commission

JWP/cs



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**STAFF REPORT**

Revised 4/25/17

**From the Community Development Department**

**CASE NUMBER:** R-17-03

**APPLICANT:** Ocmulgee, Inc. for Ski Development, LLC  
The City of Perry

**REQUEST:** Annexation and zoning designation of R-2 and GU

**LOCATION:** Northwest corner of Sandefur Road and Danny Carpenter Drive and 477 Sandefur Rd;  
Tax Map No.: HC0005200-014000 and 0P0610 007000

**ADJACENT ZONING/LANDUSES:**

Subject Parcels: Zoned R-1, Single-Family Residential (county); vacant land, City Pump Station  
North: R-1; Single-family Residential use (county)  
South: R-1; Single-family Residential use (county)  
East: GU, Government Use; Mossy Creek Middle School and R-1; Single-family Residential use (county)  
West: R-1; Single-family Residential use (county)

**BACKGROUND INFORMATION:** The subject properties consist of a 107.11 acre parcel of undeveloped land and a 0.21 acre parcel containing a City of Perry sanitary sewer pump station. The properties are located north of the Perry Service Boundary. However, the properties are contiguous to the city limit boundary along Danny Carpenter Drive. The Rydings subdivision is located to the north and west of the properties. Four roads located in the Rydings subdivision dead-end at the property boundary of the 107 acre parcel (Hathersage Drive, Cornwall Drive, and Cambrian Drive on the west; and Dunedin Court on the north). Ski Development included a layout for a proposed 49-lot subdivision along a road connecting Hathersage Drive and Cornwall Drive. The subdivision is not a part of this application, but presented to show intent.

Ski Development LLC has modified their application by removing the commercial zoning request. Further, the applicant will limit residential development in the R-2, Two-family Residential district to single-family detached dwellings.. R-2 requires a minimum lot size of 12,000 square feet for single-family detached residential use. Section 91 of the Perry Land Development Ordinance will require residential lots developed adjacent to the existing lots in Rydings subdivision to be approximately 16,550 square feet in area.

The City requests GU, Government Use, zoning and does not plan to change the use of its 0.21 acre parcel. The County tax records indicate this parcel is already in the corporate limits of the City. However, Staff could not find records indicating the property has been annexed. The portion of the request relating to the City parcel is primarily for record-keeping purposes.

**STANDARDS GOVERNING ZONE CHANGES:**

1. *The suitability of the subject property for the zoned purposes.* The subject property is relatively flat, with few existing trees. It has approximately 1400 feet of frontage along Sandefur Road and 3300 feet of frontage on Danny Carpenter Drive. Water and sanitary sewer capacity is available to the property. The

property should be able to accommodate the uses allowed in the County's R-1 district. The City's pump station already exists.

2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* The County's R-1 zoning designation does not diminish the value of the subject properties. Uses allowed in the County's R-1 are similar to those allowed in Perry's R-1 district.
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 value under the current residential zoning classification.
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.* The residential zoning classification applied by the County does not impose a hardship on the property owner.
5. *Whether the subject property has a reasonable economic use as currently zoned.* There is a reasonable economic use of the property 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.* The property has never been developed. The City is not aware of when the current zoning designation was applied by the county.
7. *Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.* Surrounding properties are developed for single-family residential purposes and as a public school. The requested R-2 zoning allows slightly smaller lot sizes than allowed in the County's residential district (12,000 vs. 14,000 square feet), as well as two-family dwellings and townhouses. The applicant intends to develop only single-family detached dwellings. Section 91 of the Perry Land Development Ordinance will require residential lots developed adjacent to the existing lots in Rydings subdivision to be approximately 16,550 square feet in area, rather than the normally allowed 12,000 square feet in R-2.
8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* Development of residential uses should not adversely affect the surrounding residential uses and school.
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The 2017 Joint Comprehensive Plan Update identifies the subject properties as 'Suburban Residential'.
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 proposed R-2 zoning classification should not cause excessive or burdensome use of streets, transportation facilities, utilities and schools. Compared to the County's residential district, the R-2 district allows approximately 0.5 additional dwellings per acre.
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 surrounding area continues to develop with single-family subdivisions.

**STAFF CONCLUSIONS:** Based on evaluation of the standards above, the City Staff concludes that the R-2 zoning district is appropriate for the subject property subject to the condition that residential uses shall be limited to single-family detached dwellings only. GU is appropriate for the City's pump station site.

## Bryan Wood

---

**From:** Jeff Liszewski <Jeff@customhomesbyjeff.com>  
**Sent:** Wednesday, April 19, 2017 4:54 PM  
**To:** bryan.wood@perry-ga.gov  
**Cc:** 'chad@ocmulgeeinc.com'  
**Subject:** RE: Annexation and Zoning Change

Bryan,

Please modify my zoning and annexation request on the 108 acres to state R2 single family residents only for the entire 108 site.

I have no problem with the larger lot requirements up next the Magnolia Hill end of the property. Chad is working on a conceptual drawing which will have 3-4 different size lots and homes.

However, he has had surgery and is out of work for a while. Hopefully he will be able to get us something by the time of the meeting.

I assumed the surrounding residents would like a day care nearby but apparently not.

Thanks for your help!

Jeff

**From:** Bryan Wood [<mailto:bryan.wood@perry-ga.gov>]  
**Sent:** Wednesday, April 19, 2017 4:36 PM  
**To:** Jeff Liszewski <Jeff@customhomesbyjeff.com>  
**Subject:** Annexation and Zoning Change

Jeff,  
Just let me know what your revised request is.  
Thanks,  
Bryan



**Bryan Wood, AICP**  
Director of Community Development  
**City of Perry**  
1211 Washington Street  
P.O. Box 2030  
Perry, GA 31069  
T 478-988-2714 F 478-988-2725  
[bryan.wood@perry-ga.gov](mailto:bryan.wood@perry-ga.gov)  
<http://www.perry-ga.gov>

**Where Georgia comes together.**

**City of Perry**  
**Community Development Department**

1211 Washington Street

P.O. Box 2030

Perry, Georgia 31069



[www.perry-ga.gov](http://www.perry-ga.gov)

478-988-2733  
Telephone

478-988-2725  
Facsimile

April 13, 2015

Chad Bryant  
Ocmulgee, Inc.  
906 Ball Street  
Perry, GA 31069

RE: Parcel 52-14  
107.98 Acres  
Corner of Danny Carpenter Drive and Sandefur Road

Dear Mr. Bryant;

The City of Perry has the capacity to serve the above referenced location with sanitary sewer service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harold Deal".

Harold Deal  
Assistant City Engineer



**LEGEND**

- O 1" REBAR SET
- OTF 10" REBAR FOUND UNLESS OTHERWISE NOTED
- OP OPEN TOP PIPE FOUND
- CA CALCULATED CORNER
- CM CONCRETE MONUMENT FOUND
- BL BOUNDARY LINE
- PL PROPERTY LINE
- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT
- SE SANITARY SEWER EASEMENT
- MH MANHOLE
- CB CATCH BASIN
- JB JUNCTION BOX
- DI DROP INLET
- HV HEADWALL
- AC ACRE
- PMT PAVEMENT
- CRK CREEK
- LLL LAND LOT LINE
- PH FIRE HYDRANT
- X- FINISH FLOOR ELEVATION
- P- POWER LINE
- PP POWER POLE
- CL CENTER LINE
- TH SITE PLAN ENG. DEPT.
- SPID SITE PLAN HEALTH DEPT.
- R- RADIUS
- EZ ELEVATION
- RDP RESIDENTIAL DRAINAGE PLAN
- RCP REINFORCED CONCRETE PIPE
- CMF CORRUGATED METAL PIPE
- LP LIGHT POLE
- WV WATER VALVE
- WM WATER METER
- N/F NOW OR FORMERLY

**NOTES**  
 THIS PROPERTY IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MAY NOT BE SHOWN HEREON.

THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS OBTAINED BY SURVEYING USING A TOPCON GTS 7110 AND HAS A LINEAR PRECISION RATIO OF ONE FT IN 24,000 FEET AND AN ANGULAR ERROR OF 83 SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAN HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FT. IN 434,718 FEET.

ACCORDING TO INFORMATION SHOWN ON F.E.M.A. COMMUNITY PANEL NUMBER 1151 C 009 R, EFFECTIVE DATE SEPTEMBER 28, 2007, NO PORTION OF THIS PROPERTY IS LOCATED IN A F.I.A. FLOOD HAZARD ZONE.

**SURVEYOR'S CERTIFICATION**

IT IS CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN, AND THAT ALL SURVEYING AND PLATTING REQUIREMENTS OF THE LAND SUBDIVISION REGULATIONS OF THE CITY OF PERRY, HAVE BEEN FULLY COMPLIED WITH.

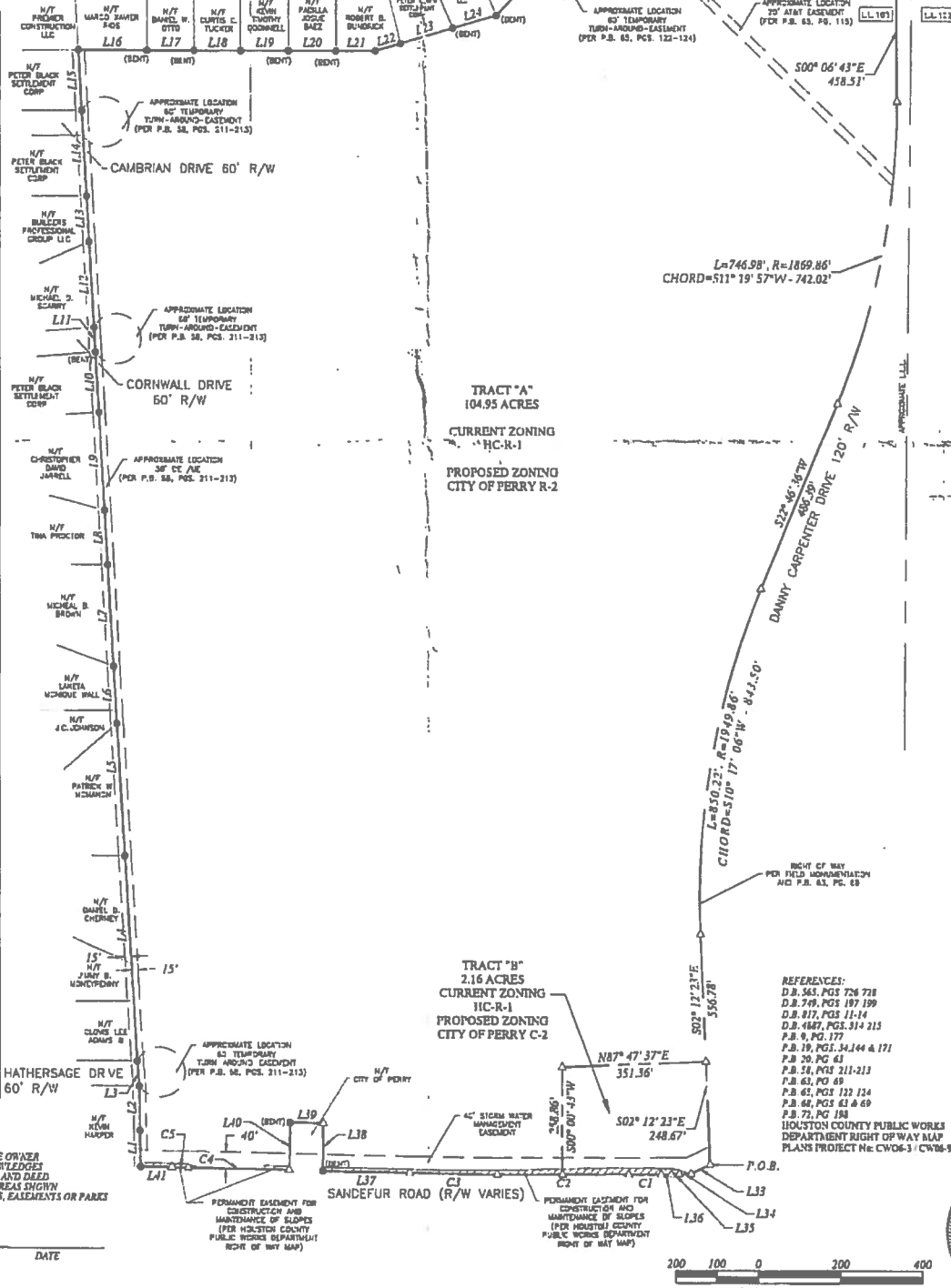
FURTHERMORE, THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1807 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 19-6-67 AUTHORITY O.C.G.A. SECS. 19-6-47, 49-15-4, 49-15-4, 49-15-19, 49-15-22.

BY (MARKY A. McLEOD);  
 REGISTERED GEORGIA LAND SURVEYOR NUMBER - 3991

TOTAL AREA: 107.11 ACRES

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	78.556	16874.87'	S89° 21' 04" W	78.56'
C2	320.345	16874.87'	N89° 58' 52" W	320.34'
C3	214.004	16874.87'	N89° 04' 30" W	214.00'
C4	245.583	18465.99'	N89° 06' 43" W	245.58'
C5	39.630	4050.00'	N88° 45' 41" W	39.63'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	87.70'	N00° 52' 41" W
L2	107.37'	N00° 53' 30" W
L3	60.24'	N04° 45' 58" W
L4	495.82'	N03° 20' 17" W
L5	319.32'	N03° 22' 28" W
L6	138.17'	N03° 19' 57" W
L7	242.74'	N03° 19' 09" W
L8	130.47'	N03° 18' 54" W
L9	238.14'	N03° 20' 40" W
L10	145.92'	N03° 21' 57" W
L11	60.01'	N03° 08' 47" W
L12	205.29'	N03° 22' 07" W
L13	109.61'	N03° 15' 25" W
L14	205.27'	N03° 19' 36" W
L15	145.38'	N03° 19' 52" W
L16	166.27'	N89° 52' 45" E
L17	114.94'	N89° 53' 08" E
L18	115.26'	N89° 53' 33" E
L19	114.64'	N89° 46' 21" E
L20	115.11'	N89° 50' 01" E
L21	95.79'	N89° 51' 59" E
L22	64.00'	N73° 49' 39" E
L23	135.59'	N73° 51' 38" E
L24	110.73'	N73° 49' 36" E
L25	159.14'	N43° 42' 46" E
L26	78.48'	N84° 06' 58" E
L27	155.28'	N43° 56' 37" E
L28	212.18'	S46° 14' 44" E
L29	230.23'	N43° 39' 41" E
L30	109.94'	N89° 57' 41" E
L31	110.02'	S89° 57' 43" E
L32	148.22'	N89° 46' 52" E
L33	51.70'	S64° 37' 21" W
L34	28.94'	S88° 19' 25" W
L35	19.44'	S88° 27' 47" W
L36	24.84'	S89° 18' 39" W
L37	211.22'	N89° 05' 08" W
L38	115.00'	N00° 43' 39" E
L39	80.00'	N88° 50' 18" W
L40	114.14'	S00° 43' 53" W
L41	75.04'	N89° 16' 08" W



**OWNER'S CERTIFICATION**  
 STATE OF GEORGIA, COUNTY OF HOUSTON

THE UNDERSIGNED CERTIFIES THAT HE IS THE OWNER OF THE LAND SHOWN ON THIS PLAN AND KNOWS THE CONTENTS OF THIS PLAN AND ALLOTTMENT TO BE HIS FREE ACT AND DEED, AND DEDICATES TO PUBLIC USE FOREVER ALL AREAS SHOWN OR INDICATED ON THIS PLAN AS STREETS, ALLEYS, EASEMENTS OR PARKS.

OWNER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**Ocmulgee, Inc.**  
 SURVEYORS • ENGINEERS • CONSULTANTS • PLANNERS  
 office (478) 234-1070  
 902 Ball Street  
 Perry, Georgia 31099  
 fax (478) 234-1072

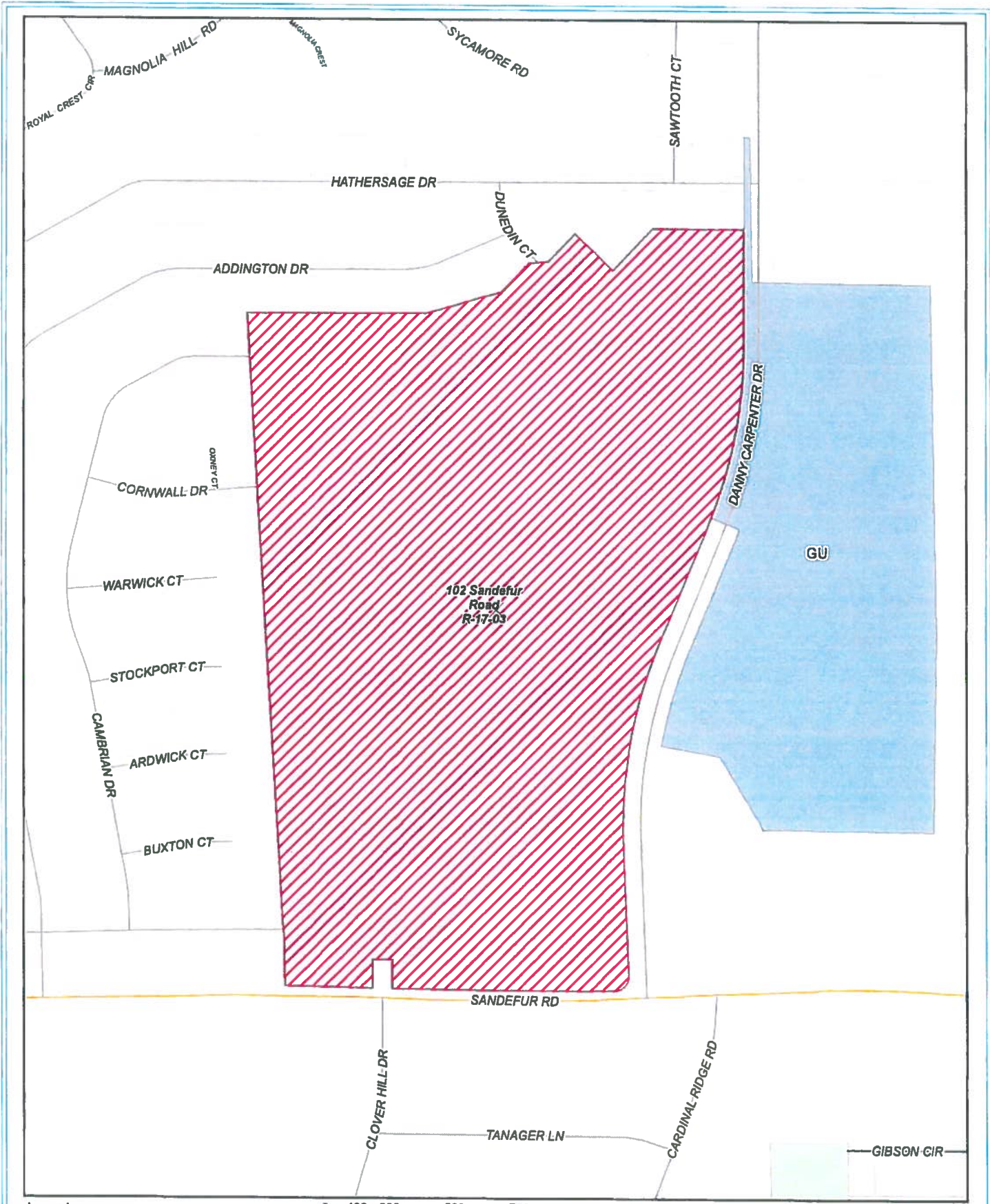
**SKI DEVELOPMENT LLC**

ANNEXATION AND ZONING PLAT FOR:

COUNTY:	HOUSTON
DISTRICT:	10 TH
LAND LOT:	102 & 103
DATE:	5/13/15
SCALE:	1" = 200'
JOB NO.:	15-0623A

RECEIVED  
 MAR 18 2017  
 CITY OF PERRY



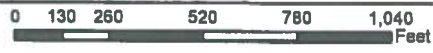


102 Sandefur Road  
R-17-03

GU

**Legend**

<b>Perry Zoning</b>	C3	OC	R3
<b>Zoning Types</b>	GU	PUD	RAG
	LC	IN	R1
	C1	M1	R2
	C2	M2	R2A



1 inch = 500 feet



City of Perry Zoning Review

Case: R-17-03





Where Georgia comes together.

Department of Community Development

**Public Hearing**  
**May 02, 2017**  
**Tuesday @ 6:00 PM**

April 11, 2017

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

Re: Rezoning Application #R-17-05  
Champions Way at Houston Lake Road  
P49-58/59/21

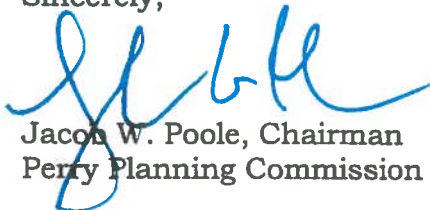
Dear Mayor and Council:

On April 10, 2017 the Perry Planning Commission reviewed the above referenced petition for a rezoning request as submitted by Byrd & Company, LLC.

The request was for the rezoning of the property from City of Perry R-3, Multi-Family Residential District to City of Perry Planned Unit Development.

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

Sincerely,



Jacob W. Poole, Chairman  
Perry Planning Commission

JWP/cs



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**STAFF REPORT 3/31/17**  
**From the Community Development Department**

**CASE NUMBER:** R-17-05  
**APPLICANT:** Byrd & Company, LLC  
**REQUEST:** Zoning change to PUD  
**LOCATION:** Champions Way at Houston Lake Road;  
Tax Map No.: P49-58, P49-59, and P49-21

**ADJACENT ZONING/LANDUSES:**

Subject Parcel: Zoned R-3, vacant land (approved residential subdivision)  
North: R-3, Houston Lake Country Club clubhouse; C-2, vacant land  
South: R-3, public parking and boat ramp  
East: C-2, vacant land  
West: GU, Houston Lake

**BACKGROUND INFORMATION:** The applicant has an approved subdivision consisting of 24 single-family residential lots. Under the R-3 zoning classification, 8' side setbacks are required. The applicant proposes constructing a product with will not comply with the required side setbacks. The request for PUD zoning is to allow 5' side setbacks on each of the lots. The 25' front setback and 25' rear setback (40' along Houston Lake Road) required by R-3 will be maintained. No other changes to the approved subdivision are proposed.

**STANDARDS GOVERNING ZONE CHANGES:**

1. *The suitability of the subject property for the zoned purposes.* The subject property is relatively flat, with some existing trees. A 24-lot residential subdivision was previously approved.
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* The R-3 zoning district does not diminish property values, as a 24-lot subdivision has been approved.
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 value under the current residential zoning classification.
4. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.* The R-3 zoning classification does not impose a hardship on the property owner.
5. *Whether the subject property has a reasonable economic use as currently zoned.* There is a reasonable economic use of the property 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.* While the property is currently vacant, a 24-lot subdivision was approved and is under construction.



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 use is a 24-lot subdivision with a variation in side setback requirements from 8' to 5'. The use is appropriate given the uses and development of adjacent and nearby properties.
8. *Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.* The proposed reduction in side setbacks will not adversely affect the existing uses or usability of adjacent and nearby properties. All setbacks adjacent to the external boundaries of the property will remain as currently required. Only future owners of the individual lots will be impacted by the proposal.
9. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.* The 2007 Future Development Map identifies the subject properties as 'Urban Residential'. The recently-adopted 2017 Joint Comprehensive Plan establishes 'Character Areas', identifying future land use based on the character of existing development patterns and the intended character of future development patterns. The subject property is identified as "Suburban Residential". The proposal conforms to 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.* Because the proposal does not alter the density of the approved subdivision, it will not result in a use which will negatively impact streets, utilities, or schools.
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.* As the property is under development and no residents currently exist, the reduction in side setbacks for the subdivision will not impact adjoining or nearby properties.

**STAFF CONCLUSIONS:** Given the analysis of the standards above, Staff recommends approval of the request.



**STORY CLARKE**  
ARCHITECTS  
10000 Katy Freeway, Suite 1000  
Houston, Texas 77025  
Tel: 281.463.1000  
Fax: 281.463.1001  
www.storyclarke.com



PROJECT: THE COTTAGES AT HOUSTON LAKE  
DATE: 08/14/2017  
SCALE: 1" = 40'

PH: 1000-01  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: 08/14/2017  
SCALE: 1" = 40'

**THE COTTAGES AT HOUSTON LAKE**  
Development Plans for

HOUSTON COUNTY  
HOUSTON, TEXAS

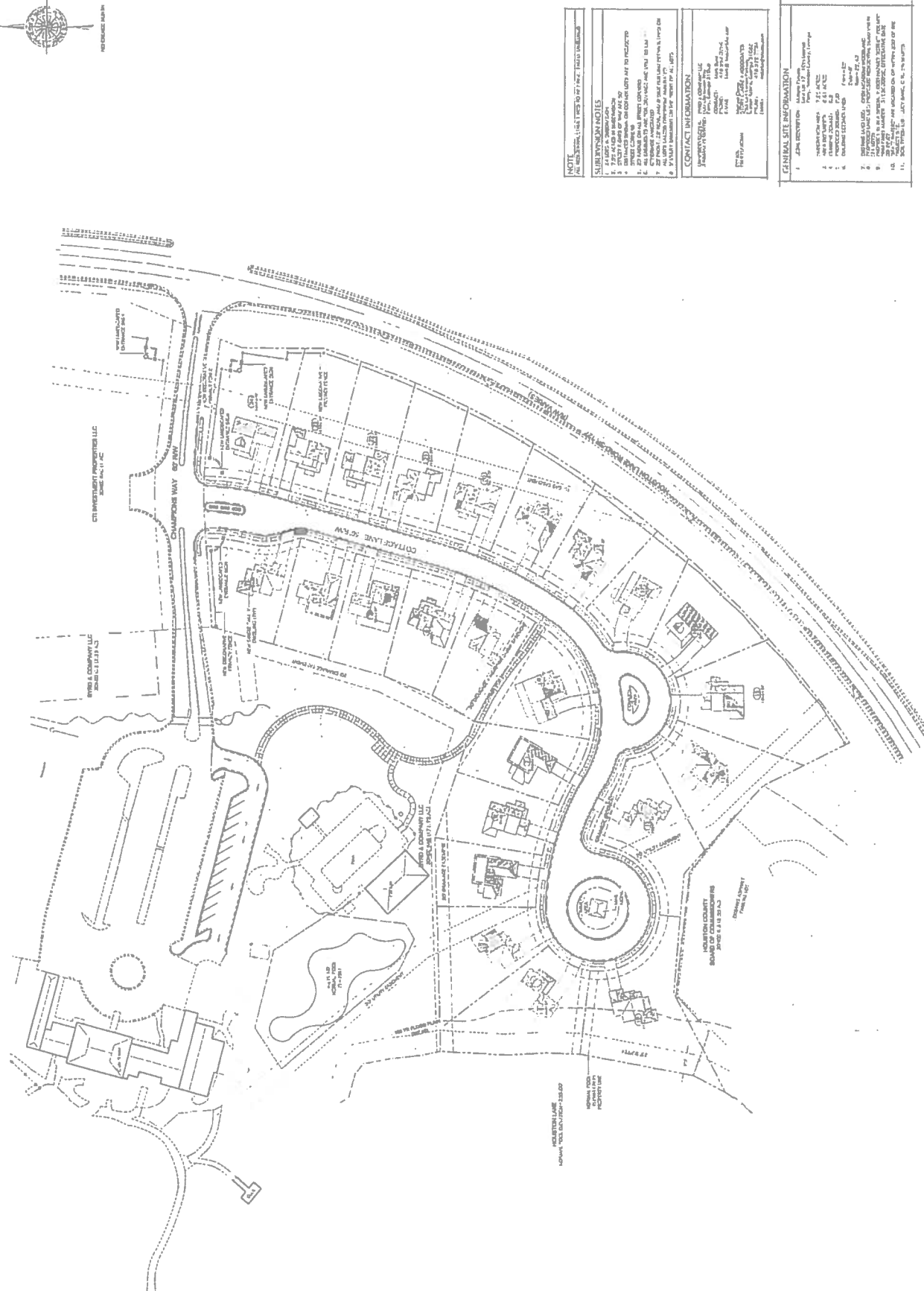
ILLUSTRATIVE  
SITE PLAN

2.2

FOR REVIEW ONLY



HOUSTON COUNTY  
HOUSTON, TEXAS



**NOTE:**  
ALL DIMENSIONS UNLESS NOTED TO THE CONTRARY.

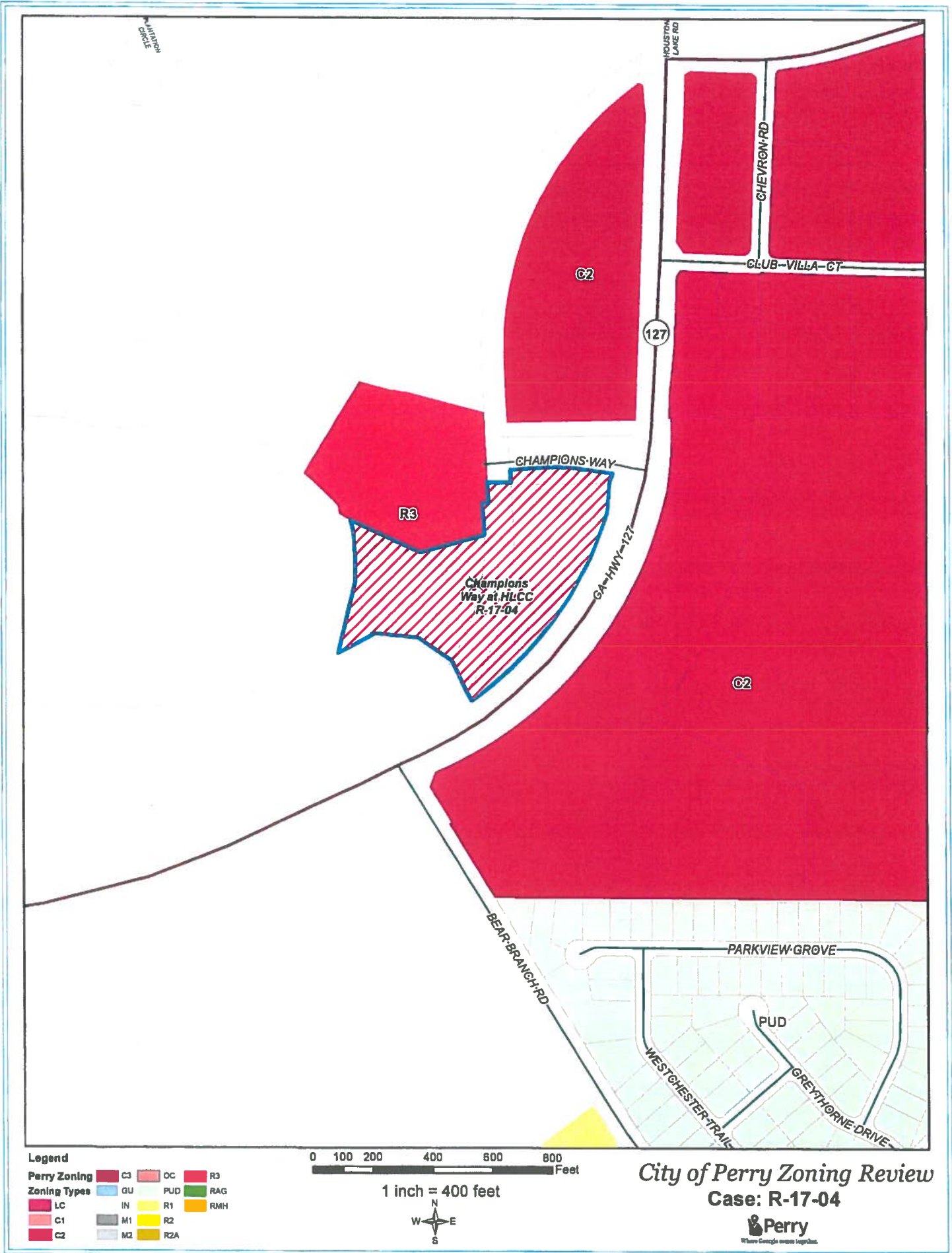
**GENERAL NOTES:**  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

**CONTACT INFORMATION:**  
PROJECT: THE COTTAGES AT HOUSTON LAKE  
DATE: 08/14/2017  
SCALE: 1" = 40'

**GENERAL SITE INFORMATION:**  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



HOUSTON COUNTY  
HOUSTON, TEXAS



**Legend**

<b>Perry Zoning</b>	C3	OC	R3
<b>Zoning Types</b>	GU	PUD	RAG
	LC	R1	RMH
	C1	M1	R2
	C2	M2	R2A

0 100 200 400 600 800 Feet

1 inch = 400 feet



*City of Perry Zoning Review*  
**Case: R-17-04**



**MINUTES**  
**WORK SESSION MEETING**  
**OF THE PERRY CITY COUNCIL**  
April 17, 2017  
**5:07 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the work session meeting held April 17, 2017 at 5:07 p.m.

2. Roll:

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

Elected Official Absent: None

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

City Departmental Staffing: Chief Steve Lynn – Police Department, Brenda King – Director of Administration, Robert Smith - Economic Development Director, Battalion Chief Kirk Crumpton – Fire and Emergency Services, Kevin Dye – Director of Leisure Services, Bryan Wood – Director of Community Development, Ellen Palmer – Digital Communications Manager, Mirian Arrington – Municipal Court Clerk, and John Schell – Buildings and Grounds Maintenance Supervisor.

Guest(s) / Speaker(s): Barbara Moriarty, Anthony Concholino, Dave Kosovo, and Darlene McLendon.

Media: Kristin Moriarty - Houston Home Journal

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

3a. Department of Economic Development

1. Presentation of Wayfinding Signage – Mr. R. Smith. Anthony Concholino and Dave Kosovo of KMA Design provided a follow up presentation of the wayfinding signage. After a Q & A session, Council concurred to proceed with sheet 2.1 with changes the following changes: 1) include the pinpoint within the sign; 2) pole color black; and 3) brick color and type to match city standards.
2. Communications Update – Ms. E. Palmer. Ms. Palmer gave a PowerPoint presentation of the multi media campaign which included billboards, poster board, Macon.com, 13wmaz.com, Dogwood Festival Guide, etc. Ms. Palmer also provided stats relative to the multi media



campaign.

3. City Alcohol Ordinance – Mr. R. Smith. Mr. Smith advised Mayor and Council of conflicting information within the city’s current ordinance relative to alcohol sales regulations, notably “direct to consumer sales”. Mr. Smith requested Council’s permission to work with the City Attorney and Community Development in developing an ordinance adhering to State of Georgia alcohol sales minimum requirements. Mayor Faircloth directed Mr. Smith to include Chief Lynn, Mr. Wood and the City Attorney in the drafting of the ordinance. Council concurred to move forward with the drafting of said ordinance.
4. Hotel Prospect Infrastructure Improvements – Mr. R. Smith. Mr. Smith appeared before Mayor and Council with a request for infrastructure improvements relative to a hotel prospect. A discussion ensued between Mr. Smith, Mayor and Council. Council concurred to allow Mr. Smith to move forward within the confines of the hotel/motel study.

3b. Administration

1. Possible acquisition of tax sale parcels – Mr. L. Gilmour. Mr. Gilmour provided Mayor and Council a copy of Ms. King’s memo dated April 4, 2017 relative to delinquent property tax accounts. Administration posed the question to Council if there is any City interest in purchasing the parcels for re-use or transfer to a land bank. Council will revisit this item at a future work session.

3c. FY 2018 Operating Budget

1. Budget overview – Mr. L. Gilmour. Mr. Gilmour reviewed the FY 18 budget cover letter dated March 27, 2017 and provided a brief overview of each fund.
2. Department of Administration – Ms. B. King. Ms. King concurred with the recommendations of Administration and requested Council’s favorable concurrence.
3. Department of Economic Development – Mr. R. Smith. Mr. Smith provided a PowerPoint presentation highlighting the department’s budget and FY 17 accomplishments.
4. Municipal Court – Ms. M. Arrington. Ms. Arrington presented a PowerPoint presentation outlining the needs of Municipal Court and answered questions from Council.

3d. Police Department

1. Safety plan for Peaches to Beaches – Chief S. Lynn. Chief Lynn reviewed his March 22, 2017 email to Mr. Gilmour addressing a safety plan for Peaches to Beaches.

3e. Public Works Department

1. Presentation of Carl Vinson Institute management project – Mr. J. Schell. Mr. Schell presented his PowerPoint relative to Facilities Stormwater Management to Mayor and Council and answered questions.

3f. Mayor Faircloth

1. Notice to Perry Lodging Establishments. Mayor Faircloth shared with Council a notice Ms. Allison Hamsley, Executive Director of the Perry Area Convention and Visitors Bureau, sent to the Perry Hoteliers. The notice advised the hoteliers of the process used for handling inquiries of offsite lodging recommendations for Georgia National Fairgrounds and Agricenter events. Mayor Faircloth recommended Council encourage existing hoteliers with suggestions to show they are willing to help.

4. Council Member Items:

Council had no reports.

Mr. Gilmour and Attorney Walker had no reports.

5. Department Head Items:

Mr. Smith:

- April 27<sup>th</sup>, Perry Housing Fair at Creekwood Park Pavilion
- April 29<sup>th</sup>, Neighborhood Clean Up

Mr. Dye reminded everyone of the Fishing Rodeo on April 22<sup>nd</sup> at Rozar Park.

Ms. King reported the new phone system will be fully operation on April 19<sup>th</sup>.

Mr. Shell reported the new security cards have been activated.

Mr. Wood, Chief Lynn, Battalion Chief Crumpton, Ms. Warren and Ms. Palmer had no reports.

Ms. Darlene McLendon thanked Mayor and Council for their partnership with the Dogwood Festival and announced “A Day to Honor and Remember” will be held at the Guardian Center on April 22<sup>nd</sup> at 10 a.m.

Mayor Faircloth items

- May 1<sup>st</sup>, Council’s work session
- May 2<sup>nd</sup>, Pre council and council
- April 28<sup>th</sup>, Walk with Mayor and Council

6. Adjourn: There being no further business to come before Council in the work session held April 17, 2017 Council Member Bynum-Grace motioned to adjourn the meeting at 7:22 p.m.; Council Member King seconded the motion and it carried unanimously.

**MINUTES**  
**PRE COUNCIL MEETING**  
**OF THE PERRY CITY COUNCIL**  
**April 18, 2017**  
**5:00 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the pre council meeting held April 18, 2017 at 5:00 p.m.

2. Roll:

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

Elected Official(s) Absent: None

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

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Bryan Wood – Director of Community Development, Robert Smith – Economic Development Director, Brenda King – Director of Administration, John Schell – Buildings and Grounds Maintenance Supervisor, Kevin Dye – Director of Leisure Services, Catherine Edgemon – Main Street Coordinator and Ellen Palmer – Digital Communications Manager.

Guests: None

Media: Kirstin Moriarty – Houston Home Journal

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

- 3a. Discussion of April 18, 2017 council meeting agenda – Mayor Faircloth.

6a. Petition for Special Exception Application No. SE-17-02. Mr. Wood reviewed the special exception application with the Planning Commission recommendation for approval with the following conditions: 1) The Special Exception shall be limited to a Residential Business conducted as a tax-related office; 2) The Special Exception shall be limited to the applicant, Carlo Hammock only, for as long as she is a resident of the property, and is not transferrable; 3) The applicant shall comply with the provisions of Section 104 of the Perry Land Development Ordinance, all applicable local, state and federal laws and regulations, and 4) No sign advertising the business shall be posted or displayed on the property. Council Member Walker expressed his concerns of allowing a residential business in a historical district and setting a precedent.

6b. Second reading of an ordinance to amend the Perry Code by deleting Section 15-53 in its entirety and adding a new Section 15-53 –Collection of tax by lodging provider – Ms. B. King. Ms. King stated this is a clean-up of the ordinance and making it consistent with 7%.

10b. (1). First reading of an ordinance to amend the Perry Code by deleting Section 4-21 in its entirety and adding a new Section 4-21 Unified Animal Control – Definitions – Chief S. Lynn. Chief Lynn stated the ordinance was reviewed by the police department and he has no concerns.

10c.(1). The Perry Main Street Promotion Committee in partnership with the Perry Downtown Merchants Association is hosting its Fifth Annual Progressive Wine Tasting in downtown Perry on Friday, June 2, 2017, from 6 p.m. – 9 p.m.

a. Approval of street closures – Chief S. Lynn. Chief Lynn advised the closing of the streets would be the 700 – 900 block of Carroll Street and he had no concerns with the request.

b. Approval of special event alcohol permit license application – Chief S. Lynn. Chief Lynn advised approval of the special event alcohol permit license application would be approved upon receipt of the Georgia Department of Revenue special permit.

4. Department Head Items:

Mr. Wood reported Special Exceptions decisions must be made within 45 days of the public hearing and provided an update of the plan review process.

Ms. Edgemon:

- Accepting applications for BOOST next month
- Update on new banners
- Advertising on WGXA of Perry – April 27<sup>th</sup>

Ms. King reported the phone port has occurred and the phones are live.

Mr. Schell, Mr. Dye, Mr. Smith, Chief Lynn and Chief Parker had no reports.

5. Council Member Items:

Council Member Jones recommended having a schedule of town hall meetings for each district. Mayor and Council agreed with Council Member Jones recommendation.

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

Mr. Gilmour reminded everyone of the upcoming GMA Annual Conference and if anyone needed City shirts to follow up with Ms. Warren.

City Attorney Walker had no report.

Mayor Faircloth's items:

- I-75 Corridor meeting tomorrow
- April 21<sup>st</sup>, 4 p.m. – 8 p.m. Drop-in reception for Sonny Watson at the Carey Martin Center
- April 22<sup>nd</sup>, 10 a.m. Combat Wounded Soldier event at Guardian Center
- April 25<sup>th</sup>, 5:30 p.m. Walk with Mayor and Council

6. Adjourn: There being no further business to come before Council in the pre council meeting held April 18, 2017 Council Member Hunt motioned to adjourn the meeting at 5:46 p.m.; Council Member Walker seconded the motion and it carried unanimously.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**April 18, 2017**  
**6:02 P.M.**

1. Call to Order: James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held April 18, 2017 at 6:02 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr.; Mayor Pro Tempore William Jackson and Council Members Randall Walker, Phyllis Bynum-Grace, Robert Jones Willie King, 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, Chief Lee Parker – Fire and Emergency Services Department, Bryan Wood – Director of Community Development, Robert Smith – Economic Development Director, Brenda King – Director of Administration, Kevin Dye – Director of Leisure Services, John Schell – Buildings and Grounds Maintenance Supervisor, and Ellen Palmer – Digital Communications Manager.

Guest(s)/Speaker(s): Pam Burnett, Ryan Bode, Travis Falcione, Laverne Woodard, Yolanda Lowe, Linda Hooten and Mike Harden

Media: Kristin Moriarty - Houston Home Journal, and Marigrace Segó – ComSouth 100.

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

Reverend Willie King of Faith Bible Fellowship rendered the invocation and Council Member Bynum-Grace led the pledge of allegiance to the flag.

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

\* Presentation to Mayor and Council – Georgia Association of Water Professionals

Ms. Pam Burnett, Executive Director of Georgia Association of Water Professionals presented the following awards to Mayor and Council.

- Platinum Award for Wastewater Collection System
- Gold Award for Outstanding Operation of a Water Distribution System
- Perry Water Pollution Control Plant

- 2017 Top Collection Operator of the Year
- 2017 Top Distribution Operator of the Year

5. Citizens with Input. None

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).

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

PUBLIC HEARING CALLED TO ORDER AT 6:10 p.m. Mayor James E. Faircloth Jr. called to order a public hearing at 6:10 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-67A-3(c)

6a. Petition for Special Exception Application No. SE-17-02. Applicant, Carlo (Carla) Hammock, requests a special exception to allow a residential business on the property. The property is located at 1303 Swift Street – Mr. B. Wood. ***(Note: Council can make a decision at the time of reading)***

Staff Report: Mr. Wood reviewed the applicant's request for Special Exception Application No. SE-17-02 and the Planning Commission recommendation to approve with the following conditions: 1) The Special Exception shall be limited to a Residential Business conducted as a tax-related office; 2) The Special Exception shall be limited to the applicant, Carlo Hammock only, for as long as she is a resident of the property, and is not transferrable; 3) The applicant shall comply with the provisions of Section 104 of the Perry Land Development Ordinance, all applicable local, state and federal laws and regulations, and 4) No sign advertising the business shall be posted or displayed on the property.

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

For:

Ms. Hammock, applicant, spoke in favor of the petition.

Ms. Laverne Wood, 1514 Swift Street spoke in favor of the business.

Ms. Linda Hooten, Fort Valley, Georgia, spoke in favor of the petition.

Ms. Yolanda Lowe, Stone Mountain, Georgia, spoke in favor of the petition.

Against:

Ms. Elizabeth Baker, 1306 Swift Street, expressed her concerns of having a residential business in the historic district and suggested Ms. Hammock operate her business as a home office.

Ms. Diana McConnell, 1300 Swift Street, spoke against having a business in the neighborhood.



Council Member Walker inquired about home office verses a residential business. Mr. Wood explained the differences of a home office verses a residential business. Council Member Bynum-Grace asked Ms. Hammock if she would be amendable to a home office.

Mr. Wood stated Ms. Hammock could modify her application for a home office and if she meets the requirements, the application could be approved at staff level instead of having a public hearing before council.

Mayor Faircloth suggested not taking an action at this time and bring back before Council at the next regularly scheduled council meeting.

Mike Harden inquired when the decision be implemented. Mayor Faircloth stated at the time of the decision.

Public Hearing closed at 6:45 p.m. Mayor James E. Faircloth closed the public hearing at 6:45 p.m.

\*\* April 21, 2017, Ms. Hammock emailed Mr. Wood a request for a Home Occupation Permit. Mr. Wood approved Ms. Hammock's Home Occupation Permit and Ms. Hammock withdrew her Special Exception request.

7. Review of Minutes: Mayor James E. Faircloth, Jr.

7a. Council's Consideration – Minutes of the April 3, 2017 work session, April 4, 2017 pre council meeting and April 4, 2017 council meeting.

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Walker seconded the motion, and it 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 to amend the Perry Code by deleting Section 15-53 in its entirety and adding a new Section 15-53 – Collection of tax by lodging provider – Ms. B. King.

Adopted Ordinance No. 2017-07 amending the Perry Code by deleting Section 15-53 in its entirety and adding a new Section 15-53 – Collection of tax by lodging provider. Ms. King advised this is a clean-up of the ordinance and making it consistent with 7%. Council Member Walker motioned to accept the ordinance as submitted; Council Member Jones seconded the motion, and it carried unanimously. (*Ordinance 2017-07 has been entered into 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 - None

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

10a. Matters referred from April 17, 2017 work session and April 18, 2017 pre council meeting. None

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

- 1. **First Reading** of an ordinance to amend the Perry Code by deleting Section 4-21 in its entirety and adding a new Section 4-21 Unified Animal Control – Definitions – Chief S. Lynn. *(No action required by Council)*

10c. Special Events Application(s):

- 1. The Perry Main Street Promotion Committee in partnership with the Perry Downtown Merchants Association is hosting its Fifth Annual Progressive Wine Tasting downtown Perry on Friday, June 2, 2017, from 6 p.m. – 9 p.m.
  - a. Approval of street closures – Chief S. Lynn
  - b. Approval of special event alcohol permit license application – Chief S. Lynn

Chief Lynn recommended approval of the street closures. Chief Lynn recommended approval the special event alcohol permit license subject to the necessary license of the State of Georgia Revenue. Council Member Walker motioned to approve the street closures and special event alcohol permit license subject to the necessary license of the State of Georgia Revenue; Council Member Jones seconded the motion and it carried unanimously.

11. Council Members Items.

Council had no reports.

Mr. Gilmour and City Attorney Walker had no reports.

12. Department Heads Items:

Ms. King, Chief Parker, Ms. Warren, Mr. Wood, Ms. Palmer, and Mr. Schell had no reports.

Mr. Dye reminded everyone of the Kids Fishing Rodeo on April 22<sup>nd</sup>.

Chief Lynn reported on the diversity training class.

Mr. Smith:

- April 27<sup>th</sup>, Perry Housing Fair at Creekwood Park Pavilion
- April 29<sup>th</sup>, Spring Neighborhood Cleanup

13. General Public Items: None

14. Mayor Items:

Mayor Faircloth's items:

- April 19<sup>th</sup> - I-75 Corridor Meeting
- April 20<sup>th</sup> – Business after Hours
- April 20<sup>th</sup> – Peach County Workforce Development Center Grand Opening
- April 21<sup>st</sup> – Drop-in reception for Sonny Watson
- April 22<sup>nd</sup> – Combat Wounded Solider event at Guardian Center
- April 25<sup>th</sup> - Walk with Mayor and Council
- April 27<sup>th</sup> – Georgia Manufacturer of Year 2017 Governor's Awards Luncheon
- April 28<sup>th</sup> – Annual Robins Cup Tournament
- May 1<sup>st</sup> – Work session
- May 2<sup>nd</sup> – Pre council and council

15. Adjourn: There being no further business to come before Council in the regular meeting held April 18, 2017 Council Member Jones motioned to adjourn the meeting at 7:04 p.m.; Council Member Walker 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)

19 City Manager – Lee Gilmour

(S) Department Head Borr

Notes:

ORDINANCE

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

1.

By deleting in Section 4-21 the definitions of abandonment, owner and restraint and adding new definitions for abandonment, owner and restraint as follows:

*Abandonment* means the intentional or complete forsaking of any animal by its owner, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the caregiver. Abandonment also means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate and proper food and water for a period in excess of thirty-six (36) hours, regardless of where such animal may be found or kept.

*Owner* means any person, partnership or corporation owning, possessing, keeping or harboring one (1) or more animals. A person who continually feeds a stray cat shall be considered its owner. An animal shall be deemed to be harbored if it is fed or sheltered for seven (7) or more consecutive days; or, in the case of an animal owned by a minor, the term "owner" includes the parents or persons in loco parentis with custody of the minor.

*Restraint* means any animal which is:

- (a) on a hand-held leash; or
- (b) at heel or beside a competent person and obedient to that person's commands while on the owner's real property limits; or
- (c) within a vehicle being driven or parked on the streets and roads of the city; or
- (d) in a fenced area within the real property limits of the owner (in any zoning district except R-Ag); or
- (e) within the property limits of an R-Ag zone; or
- (f) within a designated off-leash area of the dog park; or
- (g) within an electronic animal confinement system and provided they are maintained in good working order and keep the animal contained; and
  - 1) Contain permanent and prominently displayed signs around the perimeter of the electronic animal confinement system. The signs shall be clearly visible prior to entering such premise and shall read: "Caution-Electronic Animal Confinement System."
- (h) It shall be the duty of every owner of an animal to ensure that the animal is kept under restraint, and that precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner.
- (I) It shall be the duty of every owner to ensure that the enclosure must be securely locked at any time the animal is left unattended, after being issued a warning or a citation by the dog control officer.
- (j) It shall be the duty of every owner of a classified animal to ensure that the animal is securely and humanely enclosed within a proper enclosure as a means of restraint.

2.

By adding in Section 4-21 the following new definitions:

*Altered* means it shall be the duty of the owner of a dog or cat declared by an authority or court of

competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within thirty (30) days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

*Cruelty* means:

- (a) every act, omission, or neglect by which death, unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue to any animal when there is a reasonable remedy of relief.
- (b) also includes transporting an animal in an unrestrained open-air vehicle or transporting an unrestrained animal in the trunk of any vehicle or leaving an animal unattended in a closed vehicle without proper ventilation or temperature control, where the outside air temperature is eighty (80) degrees Fahrenheit or above.
- (c) also means allowing or causing any animal to participate in training for or engaging in an animal fight operated for sport, entertainment or gaming purposes. Routine medical procedures by a licensed veterinarian shall not be regarded as cruelty.

*Electronic animal confinement system* shall mean a commercially produced, functioning and professionally installed electronic fence which utilizes an invisible electrically generated perimeter, in which the animal within the perimeter wears an electronic collar that produces an electric shock when the animal approaches or exceeds the perimeter.

*Fence* means any structure of wire, being 16 gauge or higher, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump, dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous/vicious animal.

*Open-air vehicle* means the cargo area of any pickup truck that is not covered by a permanent attached utility cover or any convertible vehicle with its top down.

*Pen* means a padlocked, fenced area within a perimeter fenced area that has secure sides that are buried two (2) feet into the ground or sunken in concrete and a secure top.

*Public nuisance.* An animal shall be deemed to be a public nuisance if the animal:

- (1) Is permitted to go upon the property of another person other than its owner or keeper without the express consent of such other property owner or occupant;
- (2) Attacks or acts so as to menace pedestrians or other persons using public ways;
- (3) Is permitted to cause annoyance, alarm, or noise disturbance for more than fifteen (15) minutes at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property, where said such owner has been given one (1) warning by law enforcement personnel to control the animal or animals.
- (4) Is repeatedly running at large.
- (5) Trespasses on school grounds.

3.

By deleting Sec. 4-26 in its entirety and adding a new Sec. 4-26 as follows:

**Sec. 4-26. Authority to remove abused or neglected animals.**

Animal control officers shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further suffering. The police chief, assistant police chief or their designee may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is eighty (80) degrees Fahrenheit or above outside the vehicle. If the vehicle is damaged during such removal, the police chief, assistant police chief or their designee shall not be liable for any damage to the vehicle. The owner or possessor of the animal may be charged according to O.C.G.A. § 16-12-4 concerning cruelty to animals.

4.

By changing the title to Sec. 4-32 to read as follows:

**Sec. 4-32. Animal neglect.**

5.

By deleting Sec. 4-33 in its entirety and adding a new Sec. 4-33 as follows:

**Sec. 4-33. Cruelty to Animals.**

(a) It shall be unlawful for any person to commit acts of cruelty toward any animal; and  
(b) It shall be unlawful for any person to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cock fight, or other combat between animals or between animals and humans.

6.

By deleting Sec. 4-38 in its entirety and adding a new Sec. 4-38 as follows:

**Sec. 4-38. Rabies inoculation for dogs, cats and ferrets.**

It shall be unlawful for the owner of any dog, cat or ferret housed, kept or boarded past 3 months of age within the incorporated limits of the city to fail to have the animal(s) inoculated against rabies, and to have a rabies tag attached to animal's collar. The owner shall be liable for the inoculation of the animal. State law reference O.C.G.A. § 31-19 and the Georgia Rabies Control Manual.

7.

By adding a new Sec. 4-40 (e) as follows:

(e) The waiver shall be renewed on an annual basis. At the time of renewal of a waiver a dog control officer shall verify that the owner is continuing to comply with provisions of this section.

8.

By adding a new Sec. 4-41 as follows:

**Sec. 4-41. Tethering.**

It shall be unlawful to restrain an animal by tethering or any similar use of chain, cable, rope, runner or other stakeout or tie-out devise.

9.

By adding a new Sec. 4-42 as follows:

**Sec. 4-42. Limiting Ownership.**

Any person convicted of cruelty, neglect or abandonment of an animal shall not be allowed to adopt an animal from an animal shelter or rescue for at least three (3) years after the date of conviction, without written waiver from the city council; and any person who has been convicted of cruelty, neglect or abandonment of animal as provided in the code and has been required to or voluntarily relinquished ownership of said animal, shall not be allowed to own a pet in their household for at least three (3) years from the date of conviction; and, person who has been convicted of failure to keep an animal under restraint while on owner's property as provided in this

code and has been required to provide additional confinement requirements and has not complied with the court's order, shall not be allowed to own a pet in their household for three at least (3) years from the date of conviction.

10.

By adding a new Sec. 4-43 as follows:

**Sec. 4-43. Aggressive dogs.**

No person shall in any area zoned for residential use engage in the business of training dogs to attack humans or maintain dogs which are being trained to attack humans unless such use is expressly permitted under the applicable zoning regulations in effect for such residential area.

11.

By adding a new Sec. 4-44 as follows:

**Sec. 4-44. Dead animals.**

No person shall place any dead animal upon public property, their premises or upon the premises of any other person, or allow any dead animal to remain upon public property, their premises or any dead animal belonging to them to remain upon the premises of another without disposing of same or causing the same to be properly removed or disposed of within twenty-four (24) hours.

12.

By adding a new Sec. 4-45 as follows:

**Sec. 4-45. Feeding of stray (feral) cats.**

It shall be unlawful for any person to feed stray and/or feral cats, where such feeding causes a nuisance to neighbors or businesses, or creates a condition contrary to the health, safety and welfare of the community.

13.

By adding a new Sec. 4-46 as follows:

**Sec. 4-46. Cats injuring or destroying property of others.**

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or her or under his or her charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another.

14.

By deleting Sec. 4-101 in its entirety and adding a new Sec. 4-101 as follows:

**Sec. 4-101. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Altered* means it shall be the duty of the owner of a dog or cat declared by an authority or court of competent jurisdiction to be a potentially dangerous, dangerous or vicious animal, to have the animal surgically sterilized. Such sterilization must be performed by a licensed veterinarian within thirty (30) days of a final order of an authority or court of competent jurisdiction declaring the animal to be a potentially dangerous animal, dangerous animal, or vicious animal.

*Classified animal* means any animal that has been classified as either dangerous or vicious animal



pursuant to this article. Classifications are permanent until the death of the animal.

*Dangerous animal* means any animal that:

1. Causes a substantial puncture of a person's skin by teeth without causing serious injury; or
2. Aggressively attacks in a manner that causes a person to reasonably believe that the animal posed an imminent threat of serious injury to such person or another person although no such injury occurs; or
3. While off the owner's property kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog; where certain conditions apply, see Sec. 40-102; or
4. Has previously been found to be a potentially dangerous animal and has repeated the same behavior under potentially dangerous animal sections 1, 2 or 3.

*Fence* means any structure of wire, being 16 gauge or lower, wood, stone or other material, which is of sufficient height and strength to act as a barrier against passage of the animal it is intended to enclose. A fence shall be sufficient to prevent the animal from being able to jump, dig, or escape from confinement; and shall have slats installed for chain link if it is the only barrier to contain a dangerous animal.

*Owner* means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping or having custody or care or control of an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

*Pen* means a padlocked, fenced area within a perimeter fenced area that has secure sides that are buried two (2) feet into the ground or sunken in concrete and a secure top.

*Potentially dangerous animal* means any animal that:

1. Without provocation, endangers the safety of humans; or
2. An animal that bites or attacks a person or pet animal without causing injury; or
3. Or an animal that has been found "running at large more than one time in a six month period; or
4. Which, because of temperament, conditions, or training, has a known propensity, tendency, or disposition to attack, bite, or injure humans or other animals without provocation.

*Proper enclosure* means an enclosure for keeping

1. A potentially dangerous animal, while on the owner's property, securely and locked confined indoors or in a securely enclosed padlocked fenced in area. Such enclosure shall be suitable to prevent the entry of young children and designed to prevent the animal from escaping. All sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.
2. A dangerous animal, while on the owner's property, securely confined indoors or inside an enclosed and locked pen constructed with a fence of 16 gauge or lower, or inside a fence of 16 gauge or lower with slats inserted, if said fence is the only barrier to maintain said dangerous animal and maintained and suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top. If the animal is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.
3. A vicious animal, while on the owner's property, securely confined and enclosed in a locked pen, with fence 16 gauge or higher, and shall be separate from the chain link fencing and it shall have slats, and such structure shall be suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have

secure sides and a secure top and a secure bottom. The pen shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.

*Residential Lot.* The lot with a dwelling located thereon, exclusive of any vacant lots adjacent thereto under the same ownership.

*Serious injury* means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsion; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

*Vicious animal* means any animal that:

- 1) inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the animal's attack; or
- 2) in the opinion of a judge, presents a threat of serious harm to other animals or humans; or
- 3) has previously attacked or bitten a human or injured a pet animal and has attacked or bitten a human or pet animal for second time; or
- 4) has been previously classified as a dangerous animal and has attacked or bitten a human or pet animal for second time.

15.

By deleting Sec. 4-102 in its entirety and adding a new Sec. 4-102 as follows:

**Sec. 4-102. Exemptions from article.**

- (a) No dog shall be classified as a potentially dangerous dog, dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a potentially dangerous dog, dangerous dog or vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit a crime.
- (b) Training, hunting, herding exemption from dangerous dog restraint/leash requirement:
  - (a) In addition to the requirements otherwise specified by this Code section and O.C.G.A. § 4-8-29(a)(3), the person training the dog(s) must be the owner thereof, and must be in compliance with all Department of Natural Resources requirements including without limitation
    - 1) a valid hunting license on his/her persons; and
    - 2) has the consent of the property owner where he/she is hunting
    - 3) training, hunting, herding and/or predator control cannot take place off the property of the owner thereof, unless with the express written permission and acknowledgment of dangerousness of the dog granted by the owner of the land being used; and
    - 4) only with a dog that will instantly respond to the verbal commands of the dog's owner, including without limitation a command to immediately heel and/or return to the owner.

16.

By deleting Sec. 4-103 and adding a new Sec. 4-103 in its entirety as follows:

**Sec. 4-103. Violation of article.**

Except as otherwise specified in this article, any person who violates any provision of this article shall be guilty of a misdemeanor.

It shall be unlawful for an owner of a dangerous or vicious animal to leave said animal:

- (a) unattended with minors
- (b) A person who violates subsection (a) of this code section shall be guilty of a

misdemeanor of high and aggravated nature.

- (c) It shall be unlawful for an owner of a dangerous or vicious animal to leave said animal unattended with other pets.

**Sec. 4-104. Animal control board.**

- (a) The board of commissioners hereby establish an animal control board to hold hearings as provided by O.C.G.A. §4-8-23.
- (b) This board is created in conjunction with the cities of Warner Robins, Centerville, and Perry and shall be comprised of one representative each from the Houston County Board of Commissioners and the cities of Chesterville, Perry and Warner Robins.
- (c) No member of the animal control board may participate in a hearing on any matter in which such member previously participated in the classification of the animal at issue.

**Sec. 4-105. Investigation; notice to owner.**

A. For purposes of this section, the term:

- (1) "Authority" means a court of competent jurisdiction, an animal control board or local board of health, as determined by the governing authority of a local government; provided, however, that if an authority has not been established for the jurisdiction, the owner shall be informed of the right to request a hearing from the probate court for such jurisdiction where the dog was found or confiscated within five days after the date shown on the notice.
- (2) "Mail" means to send by certified parcel mail or statutory overnight delivery to the recipient's last known address.

B. Upon receiving a report of a animal believed to be subject to classification as a:

1. Potentially dangerous animal within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such animal is subject to classification as a potentially dangerous animal.

- a. Dog control officer shall mail a dated notice within 72 hours.
- b. Notice shall include dog control officer's determination and shall state what qualifications/regulations the owner must be in accordance with.
- c. Shall have no appeal process under potentially dangerous classification
- d. if it is determined that the potentially dangerous animal shall be classified as dangerous animal, the owner shall comply with the requirements under section for Dangerous Animal

2. Dangerous animal or vicious animal within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such animal is subject to classification as a dangerous animal or vicious animal.

- a. When a dog control officer determines that an animal is subject to classification as a dangerous animal or vicious animal, the dog control officer shall mail a dated notice to the animal's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the authority on the dog control officer's determination within 5 business days after the date shown on the notice. The notice shall provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article.
- b. When a hearing is requested by an animal owner in accordance with subsection a. of this section, such hearing shall be scheduled within 15 days after the request is received; provided, however, that such hearing may be continued by the authority or probate court for good cause shown. At least 5 days prior to the hearing, the authority or probate court conducting the hearing shall mail to the animal owner written notice of the date, time, and place of the hearing. At the hearing, the animal

owner shall be given the opportunity to testify and present evidence and the authority or probate court conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify which only means to upgrade or downgrade classification, or overrule the dog control officer's determination.

- c. Within ten days after the hearing, the authority or probate court which conducted the hearing shall mail written notice to the animal owner of its determination on the matter. If the determination is that the animal is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date by which the euthanasia shall occur.
- d. Judicial review of the authority's final decision may be had in accordance with Code Section 15-9-30.9. Judicial review of a probate court's final decision shall be in accordance with Code Section 5-3-2 and costs shall be paid as provided in Code Section 5-3-22.

**Sec. 4-106. Duties of owner; registration fee.**

- A. It shall be unlawful for an owner to have or possess within this state a potentially dangerous animal, or classified animal without a certificate of registration issued in accordance with the provisions of this code section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
- B. Unless otherwise specified by this section, a certificate of registration for a potentially dangerous animal shall be issued if the dog control officer determines that the following requirements have been met:
  - (1) The owner has maintained a proper enclosure for a potentially dangerous animal; and
  - (2) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the dog control officer within 5 business days and shall be kept up to date; and
  - (3) The animal has been altered and owner must provide verifiable proof to the dog control officer within thirty (30) days from date of classification; and
  - (4) The animal is current on rabies inoculations and the owner must provide proof and keep attached rabies tag to animal's collar at all times; and
  - (5) The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal; and no certificate of registration shall be issued to any person who has been convicted of two or more violations of this article; and no person shall be the owner of more than one potentially dangerous, or classified animal; and
  - (6) Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that the resident owns a potentially dangerous animal.
  - (7) The owner must notify dog control officer upon the animal being sold, transferred ownership, died or attacked a human or pet animal with 24 hours or owner has moved.
- C. Unless otherwise specified by this section, a certificate of registration for a dangerous animal shall be issued if the dog control officer determines that the following requirements have been met:
  - (1) The owner had maintained a proper enclosure designed for a dangerous animal; and
  - (2) Clearly visible warning signs have been posted at or on all entrances to the pen and posted at the entrance to the premises where the animal resides; and
  - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the dog control officer within 5 business days; and registration must be kept up to date; and
  - (4) The animal has been altered and owner must provide verifiable proof to the dog control officer within thirty (30) days from classification or date of hearing; and

- (5) The animal is current on rabies inoculations and the owner provides proof and keeps attached a rabies tag to animal's collar at all times; and
- (6) The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section; and no person shall be the owner of more than one potentially dangerous, or classified animal; and
- (7) The owner shall maintain and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the dangerous animal against liability for any bodily injury or property damage caused by the animal; and
- (8) No owner can keep/house a classified animal within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, daycare, grocery store, hospital, humane society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases having food present; and
- (9) Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that resident owns a potentially dangerous, dangerous, or vicious animal; and
- (10) Owner of a dangerous animal shall be charged an annual registration fee of \$300.00.

D. Unless otherwise specified by this section, a certificate of registration for a vicious animal shall be issued if the dog control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the animal on the owner's property in a securely padlocked and enclosed pen; and
- (2) Clearly visible warning signs have been posted at or on all entrances to the pen and posted at the entrance to the premises where the animal resides; and
- (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the animal; and owner must provide verifiable proof of registration to the dog control officer within 5 business days; and said registration shall be kept up to date; and
- (4) The animal has been altered and owner must provide verifiable proof to the dog control officer within thirty (30) days of classification or date of hearing; and
- (5) The animal is current on rabies inoculations and the owner must provide proof and keep attached a rabies tag to animal's collar at all times; and
- (6) The owner nor any occupant of such residence, where said owner is residing, is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section; and no person shall be the owner of more than one potentially dangerous, dangerous or vicious animal; and
- (7) Owner or lessor of said property, where owner of animal resides, must give written consent granting approval and knowledge that resident owns a vicious animal.
- (8) The owner shall maintain and can provide proof of general or specific liability insurance in the amount of at least \$100,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious animal against liability for any bodily injury or property damage caused by the animal; and
- (9) No owner can keep/house a classified animal within 200 yards of any structure or manmade improvement that is an aquatic center, church, convenience store, daycare, grocer store, hospital, human society, library, nursing home, park, playground, restaurant, school, skilled nursing unit, or walking trail, due in part to these areas being frequented by children and senior citizens, and in some cases having food present.
- (10) Owner of a vicious animal shall be charged an annual registration fee of \$300.00.

E. No certificate shall be issued to the owner of more than one potentially dangerous, dangerous or vicious animal nor any occupant of such residence, where said owner is residing is already in possession of a potentially dangerous or classified animal, or any person who has been convicted of two or more violations of this section.

- F. No person shall be the owner of more than one potentially dangerous, dangerous, or vicious animal.
- G. No certificate or registration for a vicious animal shall be issued to any person who has been convicted of:
  - (1) A serious violent felony as defined in Code Section 17-10-6-1;
  - (2) The felony of dog fighting as provided for in Code Section 16-12-37 or the felony of aggravated cruelty to animals as provided for in Code Section 16-12-4; or
  - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.
- H. Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a potentially dangerous, dangerous, or vicious animal, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.
- I. The owner of a classified animal shall notify the dog control officer within 24 hours if the animal is on the loose or has attacked a human or attacked a pet animal and shall notify the dog control officer within 24 hours if the animal has died or has been euthanized.
- J. A vicious animal shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
- K. The owner of a potentially dangerous animal or classified animal who moves from one jurisdiction to another within the State of Georgia shall register the potentially dangerous or classified animal in the new jurisdiction within ten (10) days of becoming a resident and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified animal who moves into this state shall register the animal as required in Code Section 4-8-27 within 30 days of becoming a resident.

**Sec. 4-107. Confinement.**

It shall be unlawful for an owner of a:

- A. Potentially dangerous animal to allow that animal outside of a proper enclosure unless that animal is
  - a. on a leash less than 4 feet; and
  - b. is under the immediate control of a person capable of preventing the animal from engaging any other human or animal when necessary; and
  - c. Flexi-leashes are not allowed.
- B. Dangerous animal or vicious animal to allow that animal outside of a proper enclosure unless that animal is:
  - a. on a leash less than 4 feet; and
  - b. is under the immediate physical control of a person capable of preventing the animal from engaging any other human or animal when necessary; and
  - c. shall have on a wire basket muzzle at all times; and
  - d. flexi-leashes are not allowed.

**Sec. 4-108. Confiscation of dogs.**

- (a) A potentially dangerous animal, dangerous animal or vicious animal shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of this article.

- (b) The owner of any animal that has been confiscated pursuant to this article may recover such animal upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by a dog control officer, an authority as defined in Code Section 4-8-23, or a probate court. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the animal. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the animal.
- (c) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such animal shall be released to an animal shelter, as such term is defined in Code Section 4-14-2, or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

**Sec. 4-109. Liability.**

Under no circumstances shall Houston County, the City of Perry or its employees or officials be held liable for any damages to any person who suffers an injury inflicted by an animal as a result of a failure to enforce the provisions of this article.

SO ENACTED THIS \_\_\_\_ day of \_\_\_\_\_, 2017.

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: \_\_\_\_\_

J:\DAVID\ORDINANC\Ordinance No.2017-01.wpd



Where Georgia comes together.

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: Mayor/Council

FROM: Lee Gilmour, City Manager <sup>LG</sup>

DATE: April 25, 2017

REFERENCE: Fee Schedule Amendment

Attached is a resolution to amend the City of Perry Fee Schedule to add a cost for a well permit. While it does not occur very often, the Department of Community Development recommends a fee and the Administration concurs.



**A RESOLUTION  
TO AMEND  
THE CITY OF PERRY FEE SCHEDULE  
TO ADD A PERMIT FEE FOR INDIVIDUAL WELLS**

**WHEREAS**, on occasion, an applicant may request and Council agree to allow the installation of a private well; and

**WHEREAS**, there are City resources involved in reviewing said request;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY RESOLVES** that the City of Perry Fee Schedule is amended as follows:

Section 1 A. Licenses and Permits 3. Non-Business Permits is amended by adding:

S. Individual well permit        \$50.00/each

SO RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017

CITY OF PERRY

By: \_\_\_\_\_  
JAMES E. FAIRCLOTH, JR., MAYOR


City Seal

Attest: \_\_\_\_\_  
ANNIE WARREN, CITY CLERK



**Where Georgia comes together.**

Department of Community Development

TO: Lee Gilmour, City Manager  
CC: Bryan Wood, Community Development Director  
FROM: Chad McMurrian, Lead Engineering Technician   
DATE: April 18, 2017  
SUBJECT: Perry Preserve road condition and testing

Preston consultants and engineers were hired as a third party consultant for proof roll and core testing, at Perry Preserve. Proof roll testing shows no concerns; however, core test results indicated variations in thickness of aggregate base and asphalt. Our consultant's minimum acceptance recommendation is to extend our maintenance agreement until 50% build out is complete, and then review condition for final acceptance.

Estimated 25 -30% of roads do not meet minimum City specification requirements for aggregate base or asphalt thickness. However, these variations are within an acceptable tolerance provided some securities are in place.

City staff would like City Council to consider a recommendation requiring the developer post a Letter of Credit. This Letter of Credit would be available until build out is complete on all previously surfaced roads.

Estimated cost to replace all road surfaces and base in this subdivision is \$550,000. City Staff recommends a Letter of Credit posted to cover a minimum of 30% with a 10% markup, totaling \$180,000. This letter of credit for \$180,000 will only be exercised if roads do not maintain an acceptable condition through 100% build out of all previously asphalt-surfaced roads.

Please let me know if you have any questions or concerns.



# PERRY

## Chamber of Commerce

101 General Courtney Hodges Blvd., Suite B, Perry, GA 31069

Phone: (478) 987-1234 Fax: (478) 988-1234

mail@perrygachamber.com www.perrygachamber.com

Interstate 75 – Exit 135

### OFFICERS

*CHAIRMAN*  
Dale Williams

*PAST CHAIRMAN*  
David Campbell

*VICE CHAIR*  
Dan Perdue

*SECRETARY/TREASURER*  
Ross Faircloth

*LEGAL COUNSEL*  
Rob Tuggle

### BOARD DIRECTORS

*2017*  
Beth Baker  
Antonio Watkins  
Ross Yasin

*2018*  
Paul Boyer  
Felicia Kindler  
Rodney Smith

*2019*  
Andy Crook  
Jeff Leonard  
Mike Moore  
Dey Palmer

### STAFF

*President/CEO*  
Darlene McLendon

*Director of Events  
and Communication*  
Bonnie Giles

*Director of  
Member Services*  
Kristen Driggers

*Administrative  
Assistant*  
Elaine Clayton

April 17, 2017

City of Perry  
1211 Washington Street  
Perry, GA 31069

RE: Parade Fee Waiver

Dear Mayor and Council,

The Perry Area Chamber of Commerce would like to request a parade fee waiver for the upcoming Independence Parade.

The parade is scheduled for Sunday, June 25th beginning at 6pm and will include many community organizations as participants. As last year, the parade will proceed through downtown Perry before concluding at GNFA with an evening celebration and fireworks.

The Chamber has once again partnered with area media outlets and looks to enjoy much positive exposure for the community. The Chamber Board and staff appreciates our relationship with the City and thank you in advance for considering our request.

Should you have any questions or concerns please feel free to contact me directly.

Sincerely,

Darlene McLendon  
President & CEO  
Perry Area Chamber of Commerce

**GROW Business GROW Community**



Where Georgia comes together.

## City of Perry Special Events Application

### Applicant and Sponsoring Organization Information

<b>Name:</b> Perry Area Chamber of Commerce
<b>Name of individual representing sponsor organization:</b> Darlene McLendon & Bonnie Giles
<b>Street address:</b> 101 General Courtney Hodges Blvd. Ste B
<b>City/State/Zip code:</b> Perry, GA 31069
<b>Mailing address if different from above:</b>
<b>Cell phone:</b> Darlene 678-877-7679 Bonnie 478-293-7307
<b>Email address:</b> darlene@perrygachamber.com bonnie@perrygachamber.com
<b>If this event benefits a City of Perry non-profit organization, which one?</b> Perry Area Chamber of Commerce
<b>Contact person on site for day of event:</b> Fireworks - Darlene McLendon Parade - Bonnie Giles
<b>Cell phone:</b> Darlene 678-877-7679 Bonnie 478-293-7307
<b>Is this a first time event?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>If held before, when and where?</b> Every year in Perry

### Event Information

<b>Type of event (Check all that apply):</b> <input checked="" type="checkbox"/> Parade <input type="checkbox"/> Festival <input checked="" type="checkbox"/> Concert/Music <input checked="" type="checkbox"/> Other	
* For parades, races and block parties, please, request the event applications specific to those events.	
<b>If other, specify:</b> Fireworks	
<b>Event title:</b> Independence Parade and Freedom Fireworks	
<b>Event date:</b> Sunday, June 25, 2017	
<b>Event hours:</b> <b>Start:</b> 6 pm	<b>End:</b> After the fireworks at dark
<b>Set-up:</b> <b>Date:</b> June 25, 2017	<b>Time:</b> Line up zone for parade closes at 4 pm
<b>Break down:</b> <b>Date:</b> June 25, 2017	<b>Time:</b>
<b>Expected attendance: Participants:</b>	<b>Spectators:</b>

## Event Description

**Briefly describe event and activities. Include the purpose of the event. Explain how it benefits the City of Perry and its residents. Attach any of the following that are applicable: site plan, including location of stage, restroom facilities, vendor booths, etc.**

The purpose of the event is to bring another "quality of life" option to the Perry Area, honor our hometown heroes, and celebrate Perry's patriotic pride. Events like these make Perry a great place to live and help spotlight Perry in our surrounding communities. They also help our development authorities to recruit business to the Perry area by providing one of the key elements used in attracting industry and small business. Events like these help to make Perry a great place to live, play, and do business.

**I understand that only event activities outlined an approved in this application and approved by Perry City Council are permitted, and hosting additional activities that have not been approved may be grounds for the event permit to be revoked.  Yes  No**

## Event Details

**Attach schedule or brochure for all activities associated with event.**

**Will items or services be sold at the event?  Yes  No**

**If yes, describe:** A food or beverage vendor may be placed in the old courthouse parking lot for the parade. Other vendors will be at the Georgia National Fairgrounds for the fireworks event.

**Will event have amplified sound?  Yes  No**

**If yes, describe:** Some units in the parade will have music. A band is scheduled to play at GNFA.

**Is the event free to the public?  Yes  No**

**Will vendors cook or heat food?  Yes  No**

**If yes, describe:** If food vendors are used, we will consult with the Health Department.

**Will any areas be fenced off or barricaded?  Yes  No**

**If yes, describe:** Only at GNFA

**If event is downtown, will downtown businesses be open during the event?  Yes  No**

**If event includes music, please, list names of bands and their websites or Facebook pages below:**

The Celebration Band will perform at the Fireworks event. [www.facebook.com/Celebration-140918559271923](http://www.facebook.com/Celebration-140918559271923)

## Insurance

A certificate of insurance must be filed with the City of Perry City Clerk at least 30 days before the event on a standard ACORD form. The City of Perry must be listed as an additional insured with respect to general liability and alcohol liability if alcohol will be served. Check the policy document for required general liability and alcohol liability minimum coverage amounts.

Insurance form(s) attached

## Alcohol Permit Information

\* Serving beverages in glass bottles at events is prohibited. Event organizer will notify any participating restaurants not to allow glass bottles to leave their premises.

\* Event organizer will stop alcohol service one hour before the scheduled end of the event.

Does your event involve the sale of alcoholic beverages?  Yes  No

If yes, describe:

\* If alcoholic beverages are to be sold, a special event alcohol permit is required, and a copy of the state license must be sent to the City of Perry City Clerk at least 60 days before the event is to be held.

Name of business serving alcohol:

Street address of business serving alcohol:

City/State/Zip Code:

Mailing address if different from above:

Cell phone:

Email address:

Name of licensee:

License number:

Is a copy of the licensee's alcohol license attached?  Yes  No

Hours alcohol will be served at event:

Is alcohol serving area open to public?  Yes  No

Is this an open container request?  Yes  No

Is current alcohol liability insurance policy naming City of Perry as additional insured attached?  Yes  No

Is a copy of the special event alcohol permit from the City of Perry Police Department attached?  
 Yes  No

Terms & Conditions:

I hereby agree that as a condition to the issuance of a Special Event Alcohol Permit, the business owner/sponsor of the event shall indemnify and hold the City harmless from claims, demand or cause of action which may arise from activities associated with the event. I hereby solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a Special Event Alcohol Permit are true, and no false or fraudulent

statement or answer is made herein to procure the granting of such permit.	
I hereby state and understand that should a complaint be filed against the owner/sponsor of the event for violation of any regulation associated with the application for the City of Perry Alcoholic Beverage Catering License, the permit issued for the event will immediately become void and will not be reissued for the same location.	
<b>Licensee's name:</b>	<b>Date:</b>
<b>Licensee's signature:</b>	
Sworn and attested before me on this _____ day of _____, 20 _____	
<b>Signature of special event organizer/applicant:</b>	
<b>Name, signature and stamp of Notary Public:</b>	
* The sale of alcohol/mixed drinks requires excise reporting.	

### Street Closure Requests

<b>Names of streets to be closed:</b>
<b>Street:</b> Washington Street      4 pm <b>Between:</b> Sam Nunn <b>and:</b> Northside Drive
<b>Street:</b> Washington Street <b>Between:</b> Northside Dr. <b>and:</b> Main Street
<b>Street:</b> Main Street <b>Between:</b> Washington <b>and:</b> General Courtney Hodges
<b>Street:</b> General Courtney Hodges Blvd <b>Between:</b> Main Street <b>and:</b> Larry Walker Parkway
<b>Street:</b> Larry Walker Parkway <b>Between:</b> Gen. Court. <b>and:</b> North Gate of GNFA
<b>Street:</b> <b>Between:</b> <b>and:</b>
<b>Street:</b> <b>Between:</b> <b>and:</b>
<b>When are you requesting the street closure(s)?</b> Line up at 4 pm - Parade route as called by Police - Step off at 6 pm
<b>Why are you requesting the street closure(s)?</b> For Parade
<b>Type of street closure:</b> <input type="checkbox"/> Complete <input checked="" type="checkbox"/> Rolling    As Perry Police Department sees nessessary
<b>If event includes a parade, describe the parade route:</b> We will use the City of Perry's Parade Route 1 Steps off at 6 pm from the corner of Washington and Northside Drive, turns right onto Main Street, follows Main Street to General Courtney Hodges Blvd., follows General Courtney Hodges Blvd. to Larry Walker Parkway and turns left, follows Larry Walker Parkway to the North gate of the Georgia National Fairgrounds, enters the fairgrounds and loops around in the north field so that riders can disembark.
<b>Parade assembly area:</b> Washington Street <b>Parade disbanding area:</b> North Gate field GNFA
<b>The event organizer is responsible for notifying affected businesses and residents of street closures. Describe your notification plan and attach a copy with this application:</b> A letter will be sent to downtown businesses and churches that will be effected. The event will be marketed on 41 NBC, Cumulus Radio, I Heart Media stations, the Houston Home Journal, and the Telegraph. We will also have 10 billboards, a facebook event, and we will market through mass e-mails, posters, flyers, table tents, etc. The community as a whole should be well informed.

## Restroom Facilities

Will event organizer provide portable restroom facilities?  Yes  No

## Tram/Shuttle Plan

Will event involve the use of a tram/shuttle plan?  Yes  No

How many trams/shuttles will be required? Three (3)

**Please, describe or provide an attachment of your tram/shuttle plan and route:**

We would like to use three trams to give veterans a chance to ride in the parade as our Hometown Heroes. Trams will stage in the library parking lot and ride near the front of the parade. After the parade, they will return the riders to the library parking lot.

**Please, describe your parking plan:**

For the parade line up, participating vehicles can only enter from Sam Nunn Blvd. Non-participating vehicles are not allowed in the line up. Riders are encouraged to be dropped off and walk in. Spectator parking is spread out along the route, but is not specifically designated. For the fireworks event, spectators will park in the West parking lot at GNFA.

## Sanitation

**Describe your clean-up plan for during and after the event:**

The Perry Chamber of Commerce humbly requests clean up by the City of Perry Public Works Department.

## Electricity and Water

Will your event require access to electricity?  Yes  No

If so, where?

What electrical load will you require?

Will your event require access to water?  Yes  No

If so, where?

**I understand that I may incur an additional charge for use of City electricity and/or water:**

Yes  No

## Police/Security

\* If police/security is required for event, off-duty officers may be hired at the rate at a rate set by the Chief of Police per hour for the duration of the event, with a minimum of three hours.



- \* Based on the event, the Police Department will determine how many officers will be required.
- \* An officer is required to be on duty at any event where alcohol is served on City of Perry property.

**Number of officers requested:**

**Total hours for officers requested:**

## Fire and Emergency Medical Services

Describe your plan for providing emergency medical services:

The Perry Chamber of Commerce requests to work with the Perry Fire and Police Departments as we have in the past.

\*If Emergency Medical or Fire Protection Services are required for the event, off-duty members can be hired at a rate set by the Chief of Fire and Emergency Services per officer per hour. The Chief of Fire and Emergency Services Department reserves the right to set the staffing minimums based upon the specifics of the event (including type of event, expected attendance, time of year and areas to be affected).

## Weather Emergency Procedures

\* When lightning and/or thunder occurs, advise participants to seek shelter in a car or building. Please, wait 20-30 minutes before proceeding.

**I understand that the City of Perry Chief of Fire and Emergency Services or his/her designee may determine that weather conditions are too dangerous and cancel the event at any time.**

Yes  No

## Health Department

**I understand that the City of Perry does not schedule Health Department inspections and will work with vendors to schedule any required inspections by the Houston County Health Department, 98 Cohen Walker Drive, Warner Robins, (478) 987-2020 at least two weeks before the event.  Yes  No**

## Event Publicity

**If you would like your event included in the upcoming FYI Newsletter, please, submit your news release to the City of Perry Digital Communications Manager at least one month before your event at [ellen.palmer@perry-ga.gov](mailto:ellen.palmer@perry-ga.gov).**

## Indemnification and Hold Harmless

Subject to the granting of all permits required by the City of Perry, the City of Perry authorizes Perry Area Chamber of Commerce (Special event organizer/applicant) to utilize the sites(s) known as Washington, Main, General Courtney Hodges for the purposes of conducting the activities described within the special events permit application.

The special events organizer/applicant agrees that the City of Perry assumes no responsibility or liability for any defects or other conditions on the site of the event on City of Perry property, whether the conditions are known or unknown to either party and/or discoverable by either party. The special events organizer/applicant agrees to assume the risk for any and all defects and/or other conditions, whether these defects and or other conditions are dangerous and/or whether these defects or other conditions are discoverable by either party and/or known or unknown to either party.

The special events organizer/applicant shall indemnify and hold City of Perry and its officers, agents and employees harmless and free from any and all claims, including but not limited to personal injury, property damage, alleged to have arisen or resulted wholly or partially from the exercise of any of the rights granted herein to the special event organizer/applicant. This indemnification and hold harmless agreement includes, but is not limited to, the payment of all attorney fees, expenses, costs, judgment and other expenses that may be incurred by City of Perry, its officers, employees or agents as a result of any and all such claims.

Signature of special event organizer/applicant: Darlene McLendon

Name, signature and stamp of Notary Public: Annie F. Warren

Date: April 24, 2017



ANNIE F. WARREN  
NOTARY PUBLIC  
HOUSTON COUNTY, STATE OF GEORGIA  
MY COMMISSION EXPIRES 09/10/2017

## Agreement and Signature

An application processing fee is required at the time of the application's submittal to the City of Perry. If alcohol is being served, an additional special event alcohol permit is also required at time of the application's submittal. If the application is approved, fee will be rolled over into permit fee. An application must be submitted in time to be included on a Perry City Council meeting agenda for consideration at least 60 days before the proposed event or festival.

I, the undersigned representative, have read the rules and regulations referenced in this application and am duly authorized by the organization to submit this application on its behalf. The information herein is complete and accurate.

Printed name: Darlene McLendon

Signature: Darlene McLendon

Date: 04-17-2017

- Special event application fee enclosed  
 Special event alcohol permit application section enclosed

Please, send completed application to:  
City of Perry  
Attn: City Clerk  
P.O. Box 2030

## Office Use Only

Date received: <u>April 17, 2017</u>
<input type="checkbox"/> Special event application fee received
<input type="checkbox"/> Council approval for event received                      Council approval date:
<input type="checkbox"/> Proof of liability insurance coverage naming the City as additional insured received
<input type="checkbox"/> Proof of alcohol liability insurance coverage naming the City as additional insured received
<input type="checkbox"/> City staff will notify affected businesses, residents and utility holders if event is downtown

## Signatures Required for Approval

Police Department _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:

Fire and Emergency Services _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:

Public Works _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:

Other as needed _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:



### City Services Request

Sunday, June 25<sup>th</sup>

Parade Route 1 – Loading on Washington Street; Step off 6 pm.

Four sets of bleachers placed on Main Street against the curb backing up to the Houston County Building and facing the New Perry Hotel. Trash cans placed along the route of the parade (not in camera line at bleachers).

City American Flags up for promotion of the event.

Assistance from the Fire Department staging the line-up zone (marking the streets prior to load-in) and loading units into the zone. Space number signs will be given to each vehicle as they come into the lineup zone to place in their windshield. At minimum 5 members of the PFD assisting the Chamber organizers and volunteers. The Chamber will provide the line-up prior to June 25<sup>th</sup>.

The use of the antique Fire truck for the parade. Please let us know where City Council, the Mayor, and any other City VIP's will ride for the television script.

City to request and operate three GNFA trams for Military Veterans to ride in during the parade.

All necessary precautions from the Perry Police Department for road closures for the Parade staging area and route. City Parade Route #1 will be used with load in at the top of Washington Street. Road Closures should start at 4:00 pm in the staging zone and at 5:00 pm along the Parade Route. Staging begins at 5 pm. Step off at 6 pm. Route ends at the North Gate of the Georgia National Fairgrounds. The lead car should loop around in the parking lot at the North Gate so that parade riders can disembark.

Traffic control for the event located at the West Gate of the Georgia National Fairgrounds. Event begins at 7 pm.

Police presence including K-9 units on the grounds of the Georgia National Fairgrounds during the Freedom Fireworks event 7 pm until 10 pm. No personal fireworks will be allowed within the footprint of the event.

Mobile Command Station at the Fireworks event near the VIP tent. Use of separate radio line between Chamber President and Fire Chief for emergencies.

Fire protection on the Georgia National Fairgrounds during the Freedom Fireworks events 7 pm until 10 pm.

The Fireworks display will blow beginning at dark for approximately 15 minutes.

Traffic control for patrons leaving the Freedom Fireworks event at the Georgia National Fairgrounds.

# PERRY

Chamber Of Commerce  
Independence *parade* & Freedom  
FIREWORKS

City Services Request  
Sunday, June 25<sup>th</sup>

Parade Route 1 – Loading on Washington Street; Step off 6 pm.

