



Where Georgia comes together.

AGENDA  
REGULAR MEETING OF THE PERRY CITY COUNCIL  
November 21, 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.
  - \* Proclamation Recognizing Small Business Saturday – Mayor Faircloth
  - \* Presentation to Mr. Penrose Wolf – Mr. Ed Beckham and Mayor Faircloth
  - \* Presentation of PlanFirst Award – Ms. Adrian Wood, Georgia Department of Community Affairs
  - \* United Way Campaign – Mrs. Cynthia Houser
5. Appointments to Boards/Commissions/Authorities: Mayor James E. Faircloth, Jr.
  - 5a. Appointment to the Perry-Houston County Airport Authority  
*(Until filled)*
  - 5b. Appointment to the Perry Housing Authority  
*(Until filled)*
6. Citizens with Input.
7. Review of Minutes: Mayor James E. Faircloth, Jr.
  - 7a. Council's Consideration – Minutes of the November 6, 2017 work session, November 7, 2017 pre council meeting, and November 7, 2017 council meeting.
8. Old Business: Mayor James E. Faircloth, Jr.
  - 8a. Ordinance(s) for Second Reading(s) and Adoption:
    1. **Second Reading** of an ordinance for the rezoning of property consisting of 7.73 acres from Houston County R-AG, to City of Perry

R-AG, Single-Family Residential District. The property is located at 120 Sparrow Street- Mr. B. Wood.

2. **Second Reading** of an ordinance for the annexation of property consisting of 7.73 acres from Houston County R-AG, to City of Perry R-AG, Single-Family Residential District. The property is located at 120 Sparrow Street- Mr. B. Wood.

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

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

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

10a. **Matters referred from November 20, 2017 work session and November 21, 2017 pre council meeting.**

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

1. **First Reading** of an ordinance amending the Perry Code by deleting Article III. – Transient Occupancy Tax of Chapter 15 in its entirety and adding a new Article III. – Transient Occupancy Tax of Chapter 15 – Ms. B. King. *(No action required by Council)*
2. **First Reading** of an ordinance amending the Perry Code by adding a subsection to Section 22-24 Collection and Disposal of Solid Waste – Mr. L. Gilmour. *(No action required by Council)*
3. **First Reading** of an ordinance to amend FY 17 Operating Budget – Mr. L. Gilmour. *(No action required by Council)*

10c. **Resolution(s) for Consideration and Adoption:**

1. Resolution for approval of GEFA loan to finance new water plant and wells – Ms. B. King.
2. Resolution approving the CDBG Policies and Procedures – Mr. L. Gilmour.
3. Resolution accepting the maintenance of certain infrastructure at Lake Forest Phase 1 – Mr. C. McMurrian.

10d. **Award of Bid(s):**

1. Bid No. 2018-15 Mini Excavator – Ms. B. King

10e. **Special Events Application(s) – Chief Lynn:**

1. Request from the Perry Ministerial Association for its Annual Christmas at the Square on December 3, 2017 at 5:30 p.m.

Street closure(s) requested:

Carroll Street between Jernigan and Washington Street  
Ball Street between Commerce and Main Street

2. Request from the Perry Public Arts Commission for their 5<sup>th</sup> Annual Buzzard Drop on December 31, 2017 from 7 pm until 1 am.

Street closure(s) requested:

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

Approval of special event alcohol permit license application.

11. Council Members Items.

12. Department Heads/Staff Items:

13. General Public Items:

14. Mayor Items:

15. Adjourn.



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~ Proclamation ~

**Recognizing  
Small Business Saturday  
November 25, 2017**

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

**Whereas**, small businesses employ 48 percent of the employees in the private sector in the United States; and

**Whereas**, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

**Whereas**, 91 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

**Whereas**, 76 percent of all consumers plan to go to one or more small businesses as part of their holiday shopping; and

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

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

**Now, Therefore, I, James E. Faircloth, Mayor of Perry, Georgia, do hereby proclaim, November 25, 2017, as:**

**SMALL BUSINESS SATURDAY**

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

**SO PROCLAIMED** this 21<sup>st</sup> day of November in the Year of our Lord, 2017.

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James E. Faircloth, Jr., Mayor



**Where Georgia comes together.**

**MEMORANDUM**

**TO:** Mayor/Council  
**FROM:** Cyndi Houser, Executive Secretary  
**DATE:** November 16, 2017  
**REFERENCE:** United Way 2018 Campaign

The 2018 United Way Campaign was again a success. We exceeded last year's total by almost \$500 with pledges and donations totaling \$3,121.00 with 18 employees participating. As incentives, administrative employees were offered the opportunity to wear jeans/shorts and sneakers on Fridays or enter a drawing for a \$100.00 gift card for a minimum donation of \$2 per pay period. Public safety, Department of Leisure Services and public works were offered the chance to enter the gift card drawing. The majority of non-uniform wearing administrative employees chose jeans and sneakers, but six (6) employees are in the running for the gift card

And once again, kudos are extended to the employees for stepping up and participating in a worthy cause to help children, families and seniors in our area.



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**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

**TO:** Mayor/Council  
**FROM:** Lee Gilmour, <sup>LS</sup> City Manager  
**DATE:** October 18, 2017  
**REFERENCE:** Appointment Needed

Attached is the resignation letter from Mr. Art MacDonald of the Perry-Houston County Airport Authority. MacDonald is a City appointee and needs to be replaced. If you have any questions, contact me.

**cc:** Chairman B. Jerles

Art MacDonald  
508 Pheasant Ridge Dr.  
Warner Robins, GA 31088

September 28, 2017

Tommy Stalnaker, Chairman  
Houston County Commissioners  
200 Carl Vinson Parkway  
Warner Robins, GA 31088

James Fairecloth, Jr., Mayor  
City of Perry  
1211 Washington St.  
Perry, GA 31069

Dear Chairman Stalnaker and Mayor Fairecloth,

With a measure of sadness, I am asking not to be considered for reappointment to the Perry-Houston County Airport Authority when my current term expires on December 31, 2017. I have enjoyed my time on the Authority, but family obligations are making it necessary for me to cut back on outside activities.

The future is full of opportunity for the airport, and the Authority will need good people to help guide its growth. Fortunately, there are local residents who are well qualified and who would gladly serve if asked.

Just as a reminder, the County Commissioners will lose one slot on the Authority effective January 1, 2018, bringing its representation down to three members for the next two years. The City of Perry will pick up that slot, giving it four members for the same period.

Serving on the Airport Authority has been an honor and one of the most rewarding activities of my lifetime. Please accept my sincere thanks for the opportunity you have given me to do so, and for your unwavering support of the airport over the last fourteen years.

Sincerely,



Art MacDonald

Cc: Billy Jerles, Chairman

## **Annie Warren**

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**From:** Mayor <mayor.faircloth@perry-ga.gov>  
**Sent:** Wednesday, November 15, 2017 11:01 AM  
**To:** William Jackson; Riley Hunt; Willie King; Phyllis Bynum-Grace; Robert Jones; Randall Walker; Lee Gilmour; Annie Warren; Matthew C. Hulbert  
**Subject:** Perry Housing Authority appointment

Council,

The Perry Housing Authority is asking if we have any suggestions for someone to replace Mr. Penrose Wolf, who is resigning from the authority. Please let me know at your earliest convenience of any suggestions that you may have. Thank you.

Jimmy Faircloth, Mayor  
City of Perry  
478-952-5964 Cell



**MINUTES**  
**WORK SESSION MEETING**  
**OF THE PERRY CITY COUNCIL**  
November 6, 2017  
**5:00 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr. Presiding Officer, called to order the work session meeting held November 6, 2017, at 5:00 p.m.

2. Roll:

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

Elected Official Absent: None

Staff: City Manager Lee Gilmour, Assistant City Attorney Matthew Hulbert and Recording Clerk, Gail Price.

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Robert Smith – Economic Development Director, Ellen Palmer – Digital Communications Manager, Bryan Wood – Director of Community Development, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, and Chad McMurrian.

Guest(s)/Speaker(s): Mrs. Ellie Loudermilk, Mr. Todd Yates, Mr. James Lanier, Ms. Claire Swaim, and Greg Boike

Press: Mr. Vic Powell - Houston Home Journal

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

3a. Presentations:

1. Presentation of Perry Housing Assessment – Mr. G. Boike.

Mr. Boike provided a presentation of the housing assessment. The City of Perry requested assistance of Middle Georgia Regional Commission to conduct an assessment of residential properties within the City. The purpose of this was to identify concentrations and conditions of substandard and dilapidated housing and develop strategies and target assistance programs to revitalize neighborhoods. Mr. Boike presented a methodology chart ranging from excellent to failing structures. Mr. Smith advised that they were glad to have this data.

2. Presentation of the cost estimates relative to Sam Nunn Boulevard and General Courtney Hodges Boulevard landscaping improvements –

Carter & Sloope, Inc. Claire Swaim reviewed the overall tasking which was to develop landscaping concepts to beautify main pathways into downtown for General Courtney Hodges Boulevard and Sam Nunn Boulevard. An estimated cost was presented. The question was asked if GDOT considers Crape Myrtles trees. Ms. Swain will check into this. Council will take under advisement and Mr. Gilmour will get back to council when he has had time to check.

3b. Administration

1. Consider a special alcoholic beverage license – Mr. L. Gilmour. The Administration recommends Council authorize a new alcoholic beverage permit category for certain businesses. The suggested conditions are: (1) property must be zoned to allow the issuance of an alcoholic beverage license, (2) there can be no sale of the alcoholic beverage for any amount nor a trade-off for service, (3) Manager must be able to pass background check, (4) alcoholic beverage cannot be taken from the business site, (5) establishment must have a current City of Perry business license, (6) facility cannot serve meals or include drink as service price. Conceptually if the council is interested in pursuing, then staff will check and see if it legally can be done as far as the State is concerned. If the State says no then we go no further. Council concurred.
2. 704 Carroll Street – Mr. L. Gilmour. Mr. Gilmour advised that Administration recommends Council authorize the demolition of the structure and provide a historical plaque. Mrs. Ellie Loudermilk suggested that we re-advertise using the design build approach. She also suggested that a historical committee be appointed so that some grants can be written and receive some monies that could help with projects like this. Mrs. Loudermilk would like the building to be saved and repurposed for restrooms for events or for the cemetery or when Veterans Park is completed. Mayor stated the comments would be taken under advisement and addressed at the pre-council meeting on November 7, 2017 and get a consensus of moving forward at the time. Council concurred.
3. Amend animal retention policy to reduce city time to seven (7) calendar days – Mr. L. Gilmour. Mr. Gilmour advised that the Perry Police Department requests the City's animal care time be reduced from the current ten (10) days to seven (7) calendar days. Administration has no objections. Council concurred. There will be a resolution to amend at City Council on November 7, 2017.

3c. Economic Development Department

1. Review of Interstate Signage – Mr. R. Smith. Mr. Smith discussed the signage brochures. When the final package is put together it will have all the cost estimates and everything that council will need to move forward

in regards to phasing this in. Council concurred with moving forward in finding out how much it will cost and deciding which signs are wanted.

3d. Community Development

1. Proposal for engineering services relative to pump station improvements - Mr. C. McMurrin. Mr. McMurrin discussed the request for engineering services from GWES to upgrade and improve four (4) wastewater pump stations: (1) Highway 41 N, (2) Valley Drive, (3) Wooden Eagle and (4) Wind River. It would be paid out of SPLOST 12. Council concurred to move forward.

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

- 4a. Discussion of the derelict vehicle ordinance – Mr. B. Wood. Mr. Wood explained the derelict vehicle ordinance. New procedures as stated in items E and F, which give detailed specifics in how to enforce and who is responsible at what point. Once a derelict vehicle has been identified, the City will post that vehicle with notice informing the owner they have 15 days to remove or rectify the violation. Simultaneously with that posting of the vehicle, a letter will be sent to the registered owner of the vehicle giving the person the same notice. At the end of that 15 days period if the vehicle has not been removed or the violation corrected then the City will contact a wrecker service to remove the vehicle. At that point, the notice is again sent to the vehicle owner indicating which wrecker service towed the vehicle and the contact information for that vehicle owner will work with the wrecker services to retrieve. This revision will be on the agenda for the council meeting.

5. Council Member Items:

Council Member Jones – Thoughts and prayers are with the community and the families of the victims in the church shooting in Texas.

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

Mr. Gilmour had no report.

Assistant City Attorney Hulbert had no report.

6. Department Head Items:

Ms. King reported

- Update on computer issues that the city has been having.
- Mike Baker updated on the spoofing emails that the city has been receiving and not to open any emails if you have doubt.

Mr. Smith reported

- Cleanup in New Hope with 24 people.

- Tailgate event was cancelled because of weather.
- Application for Rural Zone was submitted last week.
- Brownfield application was also submitted this week.

Mr. Wood reported

- His computer was one of the ones that was affected.

Chief Parker reported

- The new rescue truck had 95 calls to date.
- Announced that Ellen Palmer won the Larry Walker Leadership Award.

Mr. McMurrian - no report

Ms. Palmer – no report

Chief Lynn – no report

7. Executive Session entered at 6:21p.m.: Council Member King moved to enter into an executive session for the purpose of real estate acquisition. Council Member Walker seconded the motion and it carried unanimously.
8. Executive Session adjourned; Council's work session meeting reconvened: Council adjourned the Executive Session held November 6, 2017 and reconvened into the work session meeting.
9. Adopted Resolution No. 2017 – 47 stating the purpose of Executive Session held November 6, 2017 was for real estate acquisition. Mayor Pro Tempore Jackson moved to adopt a resolution stating the purpose of the executive session held on November 7, 2017 was to discuss real estate acquisition. Council Member Bynum-Grace seconded the motion and it carried unanimously. (*Resolution 2017-47 has been entered in the City's official book of record*).
10. Adjournment: There being no further business to come before Council in the reconvened work session held November 6, 2017, Council Member Jones motioned to adjourn the meeting at 6:48 p.m.; Council Member Hunt seconded and it carried unanimously.

**MINUTES**  
**PRE COUNCIL MEETING**  
**OF THE PERRY CITY COUNCIL**  
November 7, 2017  
**5:00 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the pre council meeting held November 7, 2017 at 5:00 p.m.

2. Roll:

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

Elected Official(s) Absent: Council Member Randall Walker

City Staff: City Manager Lee Gilmour, Assistant City Attorney Matthew Hulbert, and Recording Clerk, Annie Warren.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Robert Smith – Economic Development Director, Chad McMurrian – Lead Engineering Technician, and Ellen Palmer – Digital Communications Manager.

Guests: William and Ellie Loudermilk, Wayne Chapman, Brandon McWhorter, Jordan Scott, and James Lanier Ryland

Media: Vic Powell – Houston Home Journal

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

3a. Discussion of October 7, 2017 council meeting agenda.

8a. Petition for Rezoning and Annexation Application No. R-17-08. Mr. Wood reviewed the petition and advised the Planning Commission recommended approval.

10a. (1) Second Reading of an ordinance establishing a franchise fee for natural gas providers in the corporate limits of the City. Administration proposed adopting a franchise fee for natural gas providers in the city limits.

10a. (3) Second Reading of an ordinance to amend the Perry Code by adding a new Section 18-16, entitled “Golf Carts Prohibited”, which shall read as follows: “The operation and/or driving of golf carts, utility terrain vehicles (UTVs), all-terrain vehicles (ATVs), and other similar off-road vehicles is prohibited on all portions of City Streets and State Routes located within the

city limits on which the speed limit is 35 mph or greater.” Administration stated this ordinance formalizes the process to keep ATV’s off streets that have a speed limit of 35 mph or greater.

12a. (1) Resolution to amend the City’s animal retention policy to reduce city time to seven (7) calendar days. Administration stated the police department recommended seven (7) days and Administration has no objection and recommended approval.

12c. (1) Resolution amending the fee schedule. Administration stated if Council adopted the franchise fee ordinance then the fee will be phased in.

12c. (2) Resolution authorizing the Mayor and Clerk to execute a supplemental lease to provide financing for purchase of street sweeper as outlined in 2018 Budget. Ms. King advised the City received \$36,000 from the insurance company and the remaining balance is \$226,226.00; the cost of the sweeper was \$250,000.00 plus. The interest rate is 2.61% for six (6) years.

12c. (3) Resolution in Support of Georgia Municipal Association Legislative Policy Regarding Municipal Incorporations. Mayor Faircloth reviewed the request from the City of Stockbridge.

12d. (1) Bid No. 2018-16 Big Indian Creek Restoration. Mr. McMurrian reviewed the recommendation of award from Ocmulgee, Inc. Staff recommended council approve the low bid of LaKay Enterprises, Inc. Administration stated the source of funding would be the Water and Sewer Fund.

12d. (2) Bid No. 2018-12 Street mowing. Administration recommended awarding Main Street, Swift Street, Houston Lake Road, Macon Road and Sam Nunn Boulevard to Real Turf Solutions and General Courtney Hodges Boulevard to Urban Environment.

12d. (3) Solid waste collection bid. Administration stated solid waste is broken down into three parts. Administration recommended awarding residential toter service to low bidder Advanced Disposal, commercial cubic yard pick up to low bidder Advance Disposal which incorporates the recycling and do not award the temporary roll on/off instead turn it over to the private sector.

12e. Closure of Elko Road from Larry Walker Parkway to South Perry Parkway November 20<sup>th</sup> and 21<sup>st</sup> for an event. Chief Lynn stated this is the field behind the East gate parking of the Georgia Natural Fairgrounds and it will be staffed by the police department; Chief Lynn requested Council’s latitude if there is rain it may have to go into the next day.

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

4a. Consider proceeding with design build for 704 Carroll Street – Mr. L. Gilmour.

Administration received a request to postpone demolition of 704 Carroll Street to allow community groups any opportunity to raise funds to stabilize the building. Council concurred to postpone demolition of the building to allow the groups ninety (90) days to raise funds.

5. Council Member Items:

Council member Bynum-Grace asked if she and Council Member King could be placed on the December 4 work session agenda to discuss what they learned in the class Public Problems, Democratic Decisions. Council concurred with her request.

Council Member Jones advised he almost hit a bear on Elko Road on Saturday night.

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

Mr. Gilmour and Assistant City Attorney Hulbert had no reports.

6. Department Head Items:

Mr. Smith shared information relative to the I-75 Corridor.

Ms. King, Mr. Wood, Chief Lynn, Chief Parker and Mr. McMurrian had no reports.

Mayor Faircloth reminded Council of the Jointly Owned Natural Gas meeting on November 15 at 6:00 p.m. at the Byron Municipal Complex.

7. Adjourn: There being no further business to come before Council in the pre council meeting held November 7, 2017 Council Member Jones motioned to adjourn the meeting at 5:40 p.m.; Council Member King seconded the motion and it carried unanimously.

MINUTES  
REGULAR MEETING OF THE PERRY CITY COUNCIL  
November 7 2017  
6:00 P.M.

1. Call to Order: James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held November 7, 2017 at 6:00 p.m.

2. Roll.

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

Elected Official(s) Absent: Council Member Randall Walker

Staff: City Manager Lee Gilmour, Assistant City Attorney Matthew Hulbert, 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, Chad McMurrian – Lead Engineering Technician, and Ellen Palmer – Digital Communications Manager.

Guest(s)/Speaker(s): Chris Albright, PFC Gentry, Scarlett Albright, Robert Cunningham, Jesse White, Marsha Closson, Yetoria DeShazier, Megan Wilson-Brent, Kelly Morrill, Meredith Plummer, Carrie Masee, Christina Godwin, Brenda Greene, Terence Dodson, Val Sanders, Wendy Johnson, Joy Peterson, Mark Closson, Joan Berry and Darrien Woolfolk.

Media: Vic Powell - Houston Home Journal, and Marigrace Sego – ComSouth100.

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

Council Member King rendered the invocation and Council Member Riley Hunt led the pledge of allegiance to the flag.

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

\* Recognition of and Presentation of Certificates for the 2017 *Your City* Program participants – Ms. E. Palmer.

Ms. Palmer and Mayor Faircloth presented the participants of *Your City*



Program with certificates and plaques.

- \* Proclamation Observing Red Ribbon Week – Mayor Faircloth.

Mayor Faircloth presented to the Young Marine representatives a proclamation observing Red Ribbon Week.

- 5. Community Partner(s) Updates: None

- 6. Appointments to Boards/Commissions/Authorities: Mayor James E. Faircloth, Jr.

- 6a. Appointment to the Perry-Houston County Airport Authority

No appointment to the Perry-Houston County Airport Authority. Mayor Faircloth asked that this item remain on the agenda until an appointment is made.

- 7. Citizens with Input.

Joan Berry of Gatwick Village provided insight on the Combat Veterans designated parking spots and spoke stated the police officers needed raises.

Darrien Woolfolk, 926 Jeannie Street provided Mayor and Council with an update relative to her recent travels.

Brenda Greene complimented Ms. Palmer on the *Your City* program.

- 8. PUBLIC HEARING CALLED TO ORDER AT 6:34 p.m. Mayor James E. Faircloth Jr. called to order a public hearing at 6:34 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-67A-3 (c).

- 8a. Petition for Rezoning and Annexation Application No. R-17-08. Applicant, Ferrell Kitchens requests the rezoning and annexation of property consisting of 7.73 acres from Houston County R-AG, to City of Perry R-AG, Single-Family Residential District. The property is located at 120 Sparrow Street – Mr. B. Wood.

Staff Report: Mr. Wood reviewed the request for rezoning and annexation and stated the Planning Commission recommended approval.

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

For: Mr. Ferrell Kitchens spoke in favor of the petition.

Against: None

Public Hearing Closed at 6:36 p.m. Mayor James E. Faircloth Jr. closed the public hearing at 6:36 p.m.

9. Review of Minutes: Mayor James E. Faircloth, Jr.
- 9a. Council's Consideration – Minutes of the October 16, 2017 work session, October 17, 2017 pre council meeting, and October 17, 2017 council meeting.

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

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

10a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance establishing a franchise fee for natural gas providers in the corporate limits of the City - Mr. L. Gilmour.

Adopted Ordinance No. 2017 -18 establishing a franchise fee for natural gas providers in the corporate limits of the City.

Administration presented for Council's establishing a franchise fee for natural gas providers in the corporate limits of the City. Council Member Bynum-Grace motioned to adopt the ordinance as submitted; Council Member King seconded the motion and it carried unanimously. *(Ordinance 2017-18 has been entered into the City's official book of record.)*

2. **Second Reading** of an ordinance amending the Municipal Code of the City of Perry by deleting Section 19-12 in its entirety, and adding a new Section 19-12, titled "Derelict Vehicles; Removal by City" – Mr. B. Wood.

Adopted Ordinance No. 2017 -19 amending the Municipal Code of the City of Perry by deleting Section 19-12 in its entirety, and adding a new Section 19-12, titled "Derelict Vehicles; Removal by City".

Mr. Wood presented for Council's consideration an ordinance amending the Municipal Code of the City of Perry by deleting Section 19-12 in its entirety, and adding a new Section 19-12, titled "Derelict Vehicles; Removal by City". Council Member Hunt motioned to adopt the ordinance as submitted; Council Member King seconded the motion and it carried unanimously. *(Ordinance 2017-19 has been entered into the City's official book of*

record.)

3. **Second Reading** of an ordinance to amend the Perry Code by adding a new Section 18-16, entitled “Golf Carts Prohibited”, which shall read as follows: “The operation and/or driving of golf carts, utility terrain vehicles (UTVs), all-terrain vehicles (ATVs), and other similar off-road vehicles is prohibited on all portions of City Streets and State Routes located within the city limits on which the speed limit is 35 mph or greater.” – Mr. L. Gilmour.

Adopted Ordinance No. 2017 -20 amending the Perry Code by adding a new Section 18-16, entitled “Golf Carts Prohibited”, which shall read as follows: “The operation and/or driving of golf carts, utility terrain vehicles (UTVs), all-terrain vehicles (ATVs), and other similar off-road vehicles is prohibited on all portions of City Streets and State Routes located within the city limits on which the speed limit is 35 mph or greater.” Administration presented for Council’s consideration an ordinance amending the Perry Code adding a new Section 18-16, entitled “Golf Carts Prohibited”, which shall read as follows: “The operation and/or driving of golf carts, utility terrain vehicles (UTVs), all-terrain vehicles (ATVs), and other similar off-road vehicles is prohibited on all portions of City Streets and State Routes located within the city limits on which the speed limit is 35 mph or greater.” Council Member Jones motioned to adopt the ordinance as submitted; Mayor Pro Tempore Jackson seconded the motion and it carried unanimously. (Ordinance 2017-20 has been entered into the City’s official book of record.)

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

- 11a. Mayor James E. Faircloth, Jr. - None
- 11b. Council Members - None
- 11c. City Manager Lee Gilmour - None
- 11d. Assistant City Attorney - None

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

- 12a. Matters referred from November 6, 2017 work session and November 7, 2017 pre council meeting.

1. Resolution to amend the City’s animal retention policy to reduce city time to seven (7) calendar days – Mr. L. Gilmour.

Adopted Resolution No. 2017-48 amending the City’s animal retention policy to reduce city time to seven (7) calendar days. Mr. Gilmour presented for Council’s consideration, a resolution

amending the City's animal retention policy to reduce city time to seven (7) calendar days. Council Member Jones motioned to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. (*Resolution No. 2017-48 has been entered into the City's official book of record.*)

12b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance for the rezoning of property consisting of 7.73 acres from Houston County R-AG, to City of Perry R-AG, Single- Family Residential District. The property is located at 120 Sparrow Street- Mr. B. Wood. (*No action required by Council*)
2. **First Reading** of an ordinance for the annexation of property consisting of 7.73 acres from Houston County R-AG, to City of Perry R-AG, Single- Family Residential District. The property is located at 120 Sparrow Street- Mr. B. Wood. (*No action required by Council*)

12c. Resolution(s) for Consideration and Adoption:

1. Resolution amending the fee schedule – Mr. L. Gilmour.  
  
Adopted Resolution No. 2017-49 amending the fee schedule. Mr. Gilmour presented for Council's consideration, a resolution amending the City's fee schedule relative to franchise fee. Council Member King motioned to adopt the resolution as submitted; Council Member Jones seconded the motion and it carried unanimously. (*Resolution No. 2017-49 has been entered into the City's official book of record.*)
2. Resolution authorizing the Mayor and Clerk to execute a supplemental lease to provide financing for purchase of street sweeper outlined in 2018 Budget – Ms. B. King.  
  
Adopted Resolution No. 2017-50 authorizing the Mayor and Clerk to execute a supplemental lease to provide financing for purchase of street sweeper outlined in 2018 Budget. Ms. King presented for Council's consideration, a resolution authorizing the Mayor and Clerk to execute a supplemental lease to provide financing for purchase of street sweeper outlined in 2018 Budget. Council Member King motioned to adopt the resolution as submitted; Council Member Jones seconded the motion and it carried unanimously. (*Resolution No. 2017-50 has been entered into the City's official book of record.*)

3. Resolution in Support of Georgia Municipal Association Legislative Policy Regarding Municipal Incorporations – Mr. L. Gilmour.

Adopted Resolution No. 2017-51 in Support of Georgia Municipal Association Legislative Policy Regarding Municipal Incorporations. Mayor Faircloth presented for Council's consideration, a resolution in Support of Georgia Municipal Association Legislative Policy Regarding Municipal Incorporations. Council Member Jones motioned to adopt the resolution as submitted; Council Member Hunt seconded the motion and it carried unanimously. (*Resolution No. 2017-51 has been entered into the City's official book of record.*)

12d. Award of Bid(s):

1. Bid No. 2018-06 Big Indian Creek Restoration – Mr. C. McMurrian

Bid No. 2018-06 Big Indian Creek Restoration. Mr. McMurrian presented for Council's consideration an award of bid for Big Indian Creek Restoration. Staff recommended awarding to the low bidder, LaKay Enterprises, Inc. in the amount of \$208,973.00. Council Member Bynum-Grace motioned to accept staff's recommendation to award Bid No. 2018-06 to La Kay Enterprises, Inc. in the amount of \$208,973.00. Council Member Jones seconded the motion and it carried unanimously.

2. Bid No. 2018-12 Street mowing – Mr. L. Gilmour

Bid No. 2018 -12 street mowing. Administration presented for Council's consideration an award of bid for street mowing. Administration recommended awarding Main Street, Swift Street, Houston Lake Road, Macon Road and Sam Nunn Boulevard to Real Turf Solutions and General Courtney Hodges Boulevard to Urban Environment in the amount of \$36,360.00 yearly. Funding will come from the General Fund. Council Member King motioned to award Bid No. 2018-12 Main Street, Swift Street, Houston Lake Road, Macon Road and Sam Nunn Boulevard to Real Turf Solutions and General Courtney Hodges Boulevard to Urban Environment in the amount of \$36,360.00 yearly. Council Member Jones seconded the motion and it carried unanimously.

3. Solid waste collection bid – Mr. L. Gilmour.

Solid waste collection bid. Administration presented for Council's consideration an award of bid for solid waste collection. Administration recommended awarding residential toter

service to low bidder Advanced Disposal, commercial cubic yard pick up to low bidder Advanced Disposal which incorporates the recycling and do not award the temporary roll on/off instead turn it over to the private sector. Council Member King motioned to award the residential toter service to low bidder Advanced Disposal, commercial cubic yard pick up to low bidder Advanced Disposal which incorporates the recycling and do not award the temporary roll on/off instead turn it over to the private sector. Council Member Jones seconded the motion and the motion carried with Council Member Hunt abstaining.

- 12e. Closure of Elko Road from Larry Walker Parkway to South Perry Parkway November 20<sup>th</sup> and 21<sup>st</sup> for an event – Chief S. Lynn.

Chief Lynn stated this is the field behind the East gate parking of the Georgia Natural Fairgrounds and it will be staffed by the police department; Chief Lynn requested Council’s latitude if there is rain it may have to go into the next day. Council Member King motioned to approve the closure of Elko Road from Larry Walker Parkway to South Perry Parkway November 20<sup>th</sup> and 21<sup>st</sup> for an event; Council Member Jones seconded the motion and it carried unanimously.

13. Council Members Items. None

14. Department Heads/Staff Items:

Mr. Smith reminded everyone of “Small Business Saturday” on November 25th

Chief Lynn reported on Kids Journey Teen Maze event

Ms. Palmer reported she received the “Larry Walker Legacy Award” from the Perry Leadership Institute

15. General Public Items: None

16. Mayor Items:

November 9<sup>th</sup> – Legislative Dinner

November 15<sup>th</sup> – Jointly Owned Natural Gas dinner meeting

November 20<sup>th</sup> – Council’s work session

November 21<sup>st</sup> – Pre council and council

17. Adjourn: There being no further business to come before Council in the regular meeting held November 7, 2017 Council Member King motioned to adjourn the meeting at 7:10 p.m.; Council Member Hunt seconded the motion and it carried unanimously.



**Where Georgia comes together.**

**Department of Community Development**

**Public Hearing**  
**Nov. 07, 2017**  
**Tuesday @ 6:00 PM**

October 24, 2017

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

**Re: Rezoning Application #R-17-08**  
**120 Sparrow Street, Perry**  
**Tax Map HC00056A-01400**

Dear Mayor and Council:

On October 23, 2017 the Perry Planning Commission reviewed the above referenced petition for an annexation and rezoning request as submitted by Mr. Ferrell Kitchens.

The request was for the annexation and rezoning of the property consisting of 7.73 acres from Houston County R-AG, to City of Perry R-AG.

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**

October 19, 2017

From the Community Development Department

**CASE NUMBER:** R-17-08  
**APPLICANT:** Ferrell Kitchens  
**REQUEST:** Annexation and zoning designation of R-Ag  
**LOCATION:** 120 Sparrow Street; Tax Map No.: 00056A 014000

**ADJACENT ZONING/LANDUSES:**

Subject Parcels: Zoned R-Ag, Residential District- Agricultural (county); vacant land  
North: R-Ag; Single-family Residential use (county)  
South: R-3; Multi-family Residential District; Single-family attached residential use (city)  
East: R-Ag, Single-family Residential use (county)  
West: R-Ag; Single-family Residential use (county)

**STAFF RECOMMENDATION:** Based on evaluation of the standards below, the City Staff concludes that the R-Ag zoning district is appropriate for the subject property. Therefore, Staff recommends approval of the requested annexation with R-Ag zoning.

**BACKGROUND INFORMATION:** The subject property consists of a 7.73 acre undeveloped parcel land. Access to the parcel is from Sparrow Street, located off Lake Joy Road.

The applicant proposes to construct one single-family house on the property to be used as his personal residence. The request for annexation is being made for access to city sewer. R-Ag in the city requires a minimum lot size of five acres. If granted, the property could not be subdivided into multiple lots without rezoning to a higher density district. This would require a new application with appropriate public notice and action by city council.

**STANDARDS GOVERNING ZONE CHANGES:**

1. *The suitability of the subject property for the zoned purposes.* The subject property is suitable for residential development. However, use of septic systems is problematic for the property.
2. *The extent to which the property values of the subject property are diminished by the particular zoning restrictions.* The requested zoning is the same as the current county zoning designation.
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 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 appears to be a reasonable economic use of the property as currently zoned. However, use of septic system(s) on the property are problematic.
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 with single-family detached houses on the north, east, and west of the subject; single-family attached houses exist on the south side of the property.
8. ***Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.*** The requested R-Ag city zoning is similar to the county's R-Ag. Because of the size of the parcel, only one single-family detached residence would be permitted.
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 property and the surrounding area 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.*** Except for the fact that access to the property is remote from the city boundary, the R-Ag zoning, with the construction of one single-family residence, will not result in excessive use or create a burden upon existing 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.*** The applicant requests the annexation and zoning in order to access city sewer service.



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Application # R-17-08

### Application for Rezoning

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

*Indicates Required Field	Applicant	Property Owner
*Name	FERRELL Kitchens	SAME
*Title	OWNER	SAME
*Address	P.O. Box 8307 Warner Road, GA 3075	SAME
*Phone	478-951-7550	SAME
*Email	f.kitchens@bellsouth.net	

#### Property Information

*Street Address or Location	120 Sparrow St. Perry, GA
*Tax Map #(s)	56A-14
*Legal Description	<p>A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available;</p> <p>B. Provide a survey plat of the property and/or a proposed site plan;</p> <p>C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.</p>

#### Request

*Current Zoning District	RAG (County)	*Proposed Zoning District	RAG (City)
*Please describe the existing and proposed use of the property			
Single Family Home			

#### Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
 

14.6 x 7.68 = 112.12
123.00
<u>235.12</u>

  - Residential - \$123.00 plus \$14.60/acre (maximum \$1,500.00)
  - Planned Development - \$148.00 plus \$14.60/acre (maximum \$2,600.00)
  - Commercial/Industrial - \$225.00 plus \$21.00/acre (maximum \$2,800.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the rezoning). See Sections 32, 33, and 171 of the Perry Land Development Ordinance (PLDO) for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- The applicant must be present at the hearings to present the application and answer questions that may arise.

8. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes \_\_\_ No X  
 If yes, please complete and submit the attached Disclosure Form.

9. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

10. Signatures:

*Applicant <i>[Signature]</i>	*Date 10/3/17
*Property Owner/Authorized Agent <i>[Signature]</i>	*Date 10/3/17

**Standards for Granting a Rezoning**

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently zoned.
4. Describe the extent to which the value of the subject property is diminished by the current zoning designation.
5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.
6. Describe the relative gain to the public compared to any hardship imposed on the property owner.
7. Describe how the subject property has no reasonable economic use as currently zoned.
8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?
9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

Created 6/30/2107

For Office Use

Date received 10/3/17	Fee paid \$2351 <sup>1/2</sup> 10/3/17	Date deemed complete 10/3/17	Public Notice Sign by 10/6/17	Legal Ad. to Bun 10/18	Letter to County 10/4/17
Notice to Applicant 10/20 and 10/23/17	Routed to PC 10/19/17	Date of PC 10/23/17	Date of Public Hearing 11/7/17	Date of Council action 11/21/17	Notice of action 10/24/17



120 Sparrow Street  
R-17-08

R-17-08

PUD

PUD

**Legend**

Parade	C2	M2	R2A
Perry Zoning	C1	OC	R3
Zoning Types	GU	PUD	RAO
LC	W	R1	Rsh
C1	M1	R2	



1 inch = 200 feet



City of Perry Zoning Review  
Case: R-17-08



© Perry, Georgia 31801

Ferrell W. Kitchens

P.O. Box 8307

Warner Robins, GA 31095

478-951-7550

Re: 120 Sparrow Street

56A-14

RAG

To: the City of Perry

I am submitting this as my formal request for the city to provide utilities based on the recommendation of Engineer, Chad McMurrin. Per Chad, sewer has been run to the rear of our property from Washington Square.

This property is contiguous with the Perry city limits. We bought it for the purpose of building our personal home. It consists of 7.73 acres. A soil scientist did two studies prior to our purchase determining there are limited sites suitable for a septic tank but one is possible. However, our desire is to be able to place our home where we prefer to optimize the total site rather than have limited choices. We are aware annexation would be expected should this be granted and are in agreement.

We will build a significant home that should add greatly to the tax digest. We have no intentions of doing any subdivision of this property at this time since that would defeat our purpose of having a secluded home. In the event a division was made, it would be extremely likely it would be to an immediate family member and that isn't anticipated. At this time, no commercial venture is a consideration.

I have a long standing and great relationship with Perry during the development and building of Wooden Eagle Plantation. I think it's safe to say several members of different departments can attest to the way I do things. I think this will be a positive for the city as well as us. Thank you for your consideration.

  
Ferrell Kitchens

**ORDINANCE**

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

1.

By deleting Article III.- Transient Occupancy Tax of Chapter 15 in its entirety and adding a new Article III.- Transient Occupancy Tax of Chapter 15 as follows:

**Section 15-51. Definitions.**

The following words, terms and phrases shall, for the purposes of this ordinance and except where the context clearly indicates a different meaning, be defined as follows:

**City.** The City of Perry and, variously, the incorporated territory of the city wherein the city government is empowered to impose this tax by O.C.G.A. 48-13-50, et seq.

**City Clerk.** The duly appointed City Clerk of the city or his designee.

**Due date.** The twentieth (20<sup>th</sup>) day after the close of the monthly period for which the tax is to be computed.

**Estimated tax liability.** The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel.

**Folio.** Primary documentation produced by a hotel that demonstrates interaction between the lodging provider and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with amounts of applicable excise tax, and the method(s) of payment.

**Guest room.** Accommodations occupied, or intended, arranged, or designed for transient occupancy, by one (1) or more occupants for the purpose of living quarters or residential use.

**Hotel.** Any facility or any portion of a facility, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio hotel, motel, motor hotel, auto or trailer court, truckstop, tourist cabin, campground, lodge, inn, time-share or other condominium, apartment community, public club, or private club, containing guest accommodations and which is occupied, or is intended or designed for occupancy, by paying guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any hospital, asylum, sanitarium, orphanage, jail, prison, or other facility in which human beings are housed and detained under legal restraint.

**Lodging Provider.** Any person operating a hotel in the city including, but no limited to, the owner or proprietor of such premises, lessee, sub-lessee, lender in possession, licensee or any other person operating such hotel; and who is subject to the taxation imposed for furnishing for value to the public any rooms, lodgings, or accommodations.

**Monthly period.** The calendar months of any year.

**Occupancy.** The use or possession, or the right to the use or possession of any guest room in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the guest room.

**Occupant.** Any person who, for a consideration, uses, possesses, or has the right to use or

possess any guest room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

**Permanent resident.** Any occupant who, as of a given date, has or shall have occupied or has or shall have the right of occupancy of any guest room in a hotel for not less than thirty (30) continuous days next preceding such date.

**Person.** Any individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number; excepting the United States, the State of Georgia and any instrumentality of either thereof upon which the city is without power to impose the tax.

**Rent.** The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the lodging provider to the occupant, without any deduction therefrom whatsoever.

**Tax.** The tax on occupants imposed by this ordinance, as provided for the O.C.G.A. 48-13-50, et seq., specifically 48-13-51 (a)(1)(A).

#### **Section 15-52. Tax rate.**

There shall be paid for every occupancy of a guest room in a hotel in the city a tax at the rate of 7% of the amount of rent unless an exemption is provided under Section 15.54.

#### **Section 15-53. Collection of tax by lodging provider.**

Every lodging provider furnishing guest rooms in a hotel in the city shall collect a tax of 7% on the amount of rent from the occupant unless an exception is provided under Section 15.54. The lodging provider shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and other tax applicable. This tax shall be due from the occupant, and shall be collected by the lodging provider at the same time that the rent is collected. The lodging provider shall be liable to the city for the full amount received or collected as tax, whether collected appropriately or inappropriately; and for any amount of tax that should have been collected, but was not.

- (a) Any person who receives or collects the tax or any consideration represented to be the tax from another person holds the amount so collected in trust for the benefit of the city and is liable to the city for the full amount collected, plus penalty and interest.
- (b) An individual who controls or supervises the collection of the tax from another person, or an individual who controls the accounting for or remittance of the tax, and who willfully fails to remit or cause to be remitted the tax is liable as a responsible individual for an amount equal to the tax not remitted or caused to be remitted, plus penalty and interest. The dissolution of a corporation, partnership or other business or fraternal association does not affect a responsible individual's liability under this sub-section. Furthermore, the liability imposed by this sub-section shall be in addition to any other penalty provided by law.

#### **Section 15-54. Exceptions.**

No tax shall be collected from an occupant after becoming a permanent resident; or from an occupant who certifies in writing that he is staying in such accommodations as a result of his residence having been rendered uninhabitable by fire or other casualty; or from the United States and the State of Georgia or any instrumentality or either thereof; or from any official or employee of the State, its units of local government or any other instrumentality of the State, when traveling on official business and presenting written substantiation thereof or paying by State or local government credit or debit card; or from a foreign sovereign enjoying exemption by treaty or consular convention, when presenting substantiation issued by the United States Department of State. Occupancy provided

without charge in money or otherwise is not subject to this tax.

**Section 15-55. Registration of lodging provider; form and contents; execution; certificate of authority.**

Every person engaging or about to engage in business as a lodging provider in the city shall immediately register with the city clerk on a form provided by said official. Persons engaged in such business must so register not later than thirty (30) days after the date that this ordinance becomes effective. Such registration shall set forth the name under which such person transacts business or intends to transact business, the location of his place(s) of business and such other information which would facilitate the administration of the tax as prescribed by the city clerk. The registration shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in case of ownership by a corporation, by an officer. The city clerk shall, after such registration, issue without charge a certificate of authority to each lodging provider to collect the tax from the occupant. A separate registration shall be required for each place of business of a lodging provider. Each certificate shall state the name and location of the business to which it is applicable.

**Section 15-56. Determination generally; returns; payments.**

- (a) Due date of taxes. All amounts of such tax shall be due and payable to the city clerk monthly on or before the twentieth (20<sup>th</sup>) day of the month next succeeding the respective monthly period. The tax shall become delinquent for any monthly period after the twentieth (20<sup>th</sup>) day of each succeeding month during which it remains unpaid.
- (b) Penalty and interest for failure to pay tax by due date. A lodging provider who fails to make any return or to pay the amount of tax as prescribed, shall be assessed a specific penalty to be added to the tax in the amount of five percent (5%) or five dollars (\$5.00), whichever is greater, if the failure is for one (1) month or less; and an additional five percent (5%) or five dollars (\$5.00), whichever is greater, for each additional month or fraction thereof in which such failure shall continue; provided, however, that the aggregate penalty for any single violation shall not exceed twenty-five percent (25%) or twenty-five dollars (\$25.00), whichever is greater. Delinquent amounts shall bear interest monthly, or fraction thereof, until paid at the rate set forth in O.C.G.A. Section 48-2-40.
- (c) Acceptance of delinquent return and remittance without imposing penalty and interest; authority; requirements. If the failure to make any return or to pay the amount of tax by the due date results from providential cause shown to the satisfaction of the governing authority of the city by affidavit attached to the return, and remittance is made within ten (10) days of the due date, such return may be accepted exclusive of penalty and interest.
- (d) Waiving of penalty and interest; authority. O.C.G.A. Section 48-2-41, relating to the authority to waive interest, and Section 48-2-43, relating to the authority to waive penalty, shall apply; provided, however, that the governing authority shall stand in lieu of the Georgia Commissioner of Revenue, and the city shall stand in lieu of the State.
- (e) Penalty for fraud. In the case of a false or fraudulent return, or of failure to file a return where willful intent exists to defraud the city of any tax due, a penalty of fifty percent (50%) shall be assessed.
- (f) Return; remittance; time of filing; lodging providers required to file; contents. On or before the twentieth (20<sup>th</sup>) day of the month succeeding each monthly period, a return for the preceding monthly period together with appropriate remittance shall be filed with the city clerk. The return shall report the gross rent, taxable rent, exempt rent, amount of tax collected or otherwise due for the period, and such other information as may be required by the city clerk. However, if the estimated tax liability for any monthly period shall exceed two thousand five hundred dollars (\$2,500.00) for a



lodging provider who, in the prior fiscal year remitted tax greater than two thousand five hundred dollars (\$2,500.00) in any three (3) consecutive months, such lodging provider shall file an estimated return and remit not less than fifty percent (50%) of the estimated tax liability for the monthly period by the twentieth (20<sup>th</sup>) day of that same monthly period. The amount of tax so remitted shall be credited against the amount to be due with the regular return for the monthly period to be filed on the twentieth (20<sup>th</sup>) day of the succeeding month.

- (g) Extension of time of filing; authority; requirements; remittance; penalty and interest. The governing authority of the city may, for good cause, extend the time for making returns for not longer than thirty (30) days. No extension shall be valid unless granted in writing upon written application of the lodging provider. Such grant may not be applicable for a longer period than twelve (12) consecutive months. A lodging provider granted an extension shall remit tax equaling not less than one hundred percent (100%) of the tax paid for the corresponding period of the prior fiscal year; such remittance to be made on or before the date the tax would otherwise come due without the grant of extension. No penalty or interest shall be charged during the first ten (10) days of the extension period. Thereafter, interest shall be collected on the unpaid balance at the rate set forth in **O.C.G.A. Section 48-2-40**.
- (h) Collection fee allowed lodging providers. Lodging providers collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be three percent (3%) of the amount due, but only if the amount due was not delinquent at the time of payment.

**Section 15-57. Deficiency determinations.**

- (a) Recomputation of tax; authority to make; basis of recomputation. If the city clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any lodging provider, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.
- (b) Penalty and interest for failure to pay tax. Penalty and interest shall be assessed upon the amount of any determination, as provided by Section 15-56.
- (c) Notice of determination; service of. The city clerk shall give to the lodging provider written notice of determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the lodging provider at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee, or when made by statutory overnight delivery.
- (d) Time within which notice of deficiency determination to be mailed. Except in cases of failure to make a return or of fraud, every notice of deficiency determination shall be mailed within three (3) years after the twentieth (20<sup>th</sup>) day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.
- (e) Appeal or protest of deficiency determination. The procedure for contesting a deficiency determination shall be as provided by **O.C.G.A. Section 48-5-380**.

**Section 15-58. Determination if no return made.**

- (a) Estimate of gross receipts. If any lodging provider fails to make a return, the city clerk shall make an estimate of the amount of the gross receipts of the lodging provider, or as the case may be, of the amount of total rentals in the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the lodging provider failed to make the return and shall be based upon any information which is or may come into the possession of the city clerk. Written notice shall be given in the manner prescribed in Section 15-57(c).
- (b) Penalty and interest for failure to pay tax. Penalty and interest shall be assessed upon the amount of determination, as provided by Section 15-56.

**Section 15-59. Collection of tax by city.**

- (a) Action for delinquent tax; time for. At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable, and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the city clerk may bring an action in a court of competent jurisdiction in the name of the city to collect the amount delinquent together with penalty, interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
- (b) Lodging provider selling or quitting business. If any lodging provider liable for any amount under this ordinance sells out his business or quits his business, he shall make a final return and remittance within fifteen (15) days after the date of selling or quitting the business.
- (c) Duty of successors or assignees of lodging provider to withhold tax from purchase money. If any lodging provider liable for any amount of tax, interest, interest or penalty under this ordinance sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the city clerk either a receipt reflecting full payment or a certificate stating that no amount is due.
- (d) Liability for failure to withhold. If the purchaser of a business fails to withhold from the purchase price as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.
- (e) Credit for tax, penalty or interest paid more than once or erroneously or illegally collected. Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded by the governing authority. If the lodging provider or person determines that he has overpaid or paid more than once, which fact has not been determined by the city clerk, such person shall have three (3) years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claimant may request a hearing before the governing authority at which the claim and any other information available will be considered. The governing authority shall approve or disapprove the claim, and notify the claimant of its action.

**Section 15-60. Administration of ordinance; record keeping.**

- (a) Authority of city clerk. The city clerk shall administer and enforce the provisions of this ordinance for the collection of the tax.
- (b) Records required from lodging providers, etc.; form. Every lodging provider renting guest rooms in the city shall preserve, for a minimum of three (3) years, all folios, receipts, certificates of exemption and such other documents as the city clerk may prescribe, and in such form as he may require. Said records shall at all times be available for examination within the city.
- (c) Examination of records; audits. The city clerk or any person authorized in writing by

him may examine the books, papers, records, financial reports, equipment and other facilities of any lodging provider renting guest rooms and any lodging provider liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the lodging provider, to ascertain and determine the amount required to be paid. Such examination shall be conducted at the place of lodging provision, unless the city clerk shall stipulate another place within the city.

- (d) Authority to require reports; contents. In administration of the provisions of this ordinance, the city clerk may require the filing of reports by any person or class of persons having in their possession or custody information relating to the rental of guest rooms which are subject to the tax. The reports shall be filed with the city clerk when required by said official, and shall set forth the rental charged for each occupancy, the date(s) of occupancy, the basis for exemption, or such other information as the city clerk may prescribe.

**Section 15-61. Violation.**

Any lodging provider who fails, neglects or refuses to collect the tax as provided by Section 15-53 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or not more than one hundred dollars (\$100.00), or confinement for a term not to exceed three (3) months, or both fine and confinement. Any lodging provider who fails or refuses to make any return as provided by Section 15-56, to keep adequate records or to open them for inspection by the city, or to furnish other data reasonably requested by the governing authority shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or confinement for a term not to exceed three (3) months, or both. Any lodging provider who makes a false or fraudulent return with intent to evade the tax shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00), or confinement for a term not to exceed three (3) months, or both. Each and every day during any portion of which any violation is committed, continued or permitted, shall constitute a separate offense and shall be punished accordingly.

**Section 15-62. Effective date.**

This ordinance and the tax levied hereby shall become effective upon its adoption.

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: \_\_\_\_\_

**ORDINANCE**

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

1.

By adding the following subsection to Section 22-24 Collection and Disposal of Solid Waste:

(4) *Dumpster and Recycling Bin Screening.*

- a. All dumpsters and recycling bins shall be enclosed within a wall of equal or greater height but at a minimum of eight feet in height, on three sides, accessed by an opaque or solid gate. The material of the wall enclosure and access gate shall be similar and compatible to the material on the outside of the principal building and shall comply with the design standards of that particular land district
- b. Dumpsters and recycling bins shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.
- c. Restaurants and other food establishments shall place dumpsters and recycling bins on concrete pads that are designed to slope into a drain that is equipped with a grease trap.

SO ORDAINED this \_\_\_ day of \_\_\_\_\_, 2017.

CITY OF PERRY, GEORGIA

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

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

(City Seal)

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

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

EXTRACT OF MINUTES  
RESOLUTION OF GOVERNING BODY

Recipient: CITY OF PERRY

Loan Number: DW2017006

At a duly called meeting of the governing body of the Borrower identified above (the "Borrower") held on the \_\_\_\_\_ day of \_\_\_\_\_, the following resolution was introduced and adopted.

**WHEREAS**, the governing body of the Borrower has determined to borrow but not to exceed \$7,800,000 from the **DRINKING WATER STATE REVOLVING FUND, ADMINISTERED BY GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "Lender") to finance a portion of the costs of acquiring, constructing, and installing the environmental facilities described in Exhibit A to the hereinafter defined Loan Agreement (the "Project"), pursuant to the terms of a Loan Agreement (the "Loan Agreement") between the Borrower and the Lender, the form of which has been presented to this meeting; and

**WHEREAS**, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement will be evidenced by a Promissory Note (the "Note") of the Borrower, the form of which has been presented to this meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borrower that the forms, terms, and conditions and the execution, delivery, and performance of the Loan Agreement and the Note are hereby approved and authorized.

**BE IT FURTHER RESOLVED** by the governing body of the Borrower that the terms of the Loan Agreement and the Note (including the interest rate provisions, which shall be as provided in the Note) are in the best interests of the Borrower for the financing of the Project, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Loan Agreement, the Note, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

\_\_\_\_\_  
(Signature of Person to Execute Documents)

\_\_\_\_\_  
(Print Title)

\_\_\_\_\_  
(Signature of Person to Attest Documents)

\_\_\_\_\_  
(Print Title)

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Secretary/Clerk

(SEAL)



**Where Georgia comes together.**

Department of Economic Development

To: Mayor and Council

CC: Lee Gilmour, City Manager  
Annie Warren, City Clerk  
Brenda King, Administration

From: Robert D. Smith, Director

Date: November 15, 2017

Re: 2017 CDBG Award

---

Please find attached the Policies and Procedures associated with the 2017 CDBG award. Essentially, this document outlines how the City will administer the grant and adhere to applicable laws and regulations. It is required that the City adopt these as part of the award acceptance process. Please let me know if you have any questions or require any further information.

**City of Perry**  
**Policies & Procedures**  
**2017 Community Development Block Grant**  
**Rehabilitation & Reconstruction Activities**

**October 2017**

Whereas, the City of Perry has been awarded a Community Development Block Grant from the Georgia Department of Community Affairs.

And

The Community Development Block Grant is for the purpose of assisting low and moderate income persons with their housing needs. Policies and procedures have been prepared by the Grant Administrator for the City of Perry and the City of Perry hereby approves the Policies and Procedures for the purpose of administering the 2017 City of Perry Community Development Block Grant Program.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
James Faircloth, Jr., Mayor

Attest: \_\_\_\_\_  
City Clerk



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## **INTRODUCTION**

The following document is an incorporation of Policies and Procedures for all programs related to this specific project which includes: Housing Rehabilitation and Reconstruction Assistance.

## **SOURCES OF FUNDING**

The City of Perry has received a grant in the amount of \$722,000 that will be used for housing activities. These funds are awarded by the Georgia Department of Community Affairs to remove blight and revitalize substandard housing on Elaine Street, in the City of Perry, Georgia.

## **TARGET AREA IDENTIFICATION**

The project activity location is located on Elaine Street, Perry, Georgia in Houston County.

The project activity location is populated by a total of 77 persons, of these 77 people 71 or 92.2% are of low-moderate income; 77 or 100% of the persons in the target area are minority. 25 low-moderate income persons are live in the housing units to be rehabilitated or reconstructed.

There are a total of 46 housing units in the project activity location. Of these 46 units 34 or 74% are substandard. The classifications of each of these 46 housing units and occupancy status are as follows:

- a) 12 are standard - NO ACTION
- b) 3 are dilapidated owner occupied - RECONSTRUCTION IS PROPOSED
- c) 8 are deteriorated owner occupied - REHABILITATION IS PROPOSED
- d) 5 are vacant dilapidated - ACQUISITION/CLEARANCE IS PROPOSED
- e) 7 are vacant deteriorated renter/heir property - NO ACTION
- f) 11 are occupied deteriorated renter/heir property - NO ACTION

All occupied housing units are connected to the City of Perry water and sewer.

## **PROGRAM GOALS AND OBJECTIVES**

**GOAL:** To reduce blighted conditions and eliminate threats to health and safety created by substandard Housing conditions in the target area.

**OBJECTIVE:** Provide decent, safe, and sanitary housing to Twenty (25) low and moderate income persons who do not now occupy such housing.

## **SUMMARY OF PROGRAM**

This program will provide decent safe and sanitary housing in the project activity area and bring specific housing units up to minimum state housing codes.

## **FAIR HOUSING POLICY**

The City of Perry's Fair housing policy includes but is not limited to the following activities:

1. Brochures outlining Fair Housing will be distributed to all persons attending public hearings and community meetings related to this project.
2. A Fair Housing document will be posted at Perry City Hall.
3. Records will be kept on everything the City does in the area of fair housing related to this project.
4. Fair Housing logos will be placed on all documents related to this program.

## **PURPOSE AND AVAILABILITY OF MINIMUM PROPERTY STANDARDS**

Minimum property standards are for the purpose of determining what work is eligible and the levels of standards of which construction will be performed under the housing rehabilitation/reconstruction assistance program of this block grant project. At a minimum subject property standards will meet suitable housing standards. A copy of the minimum property standards are attached as an exhibit to this document. The standards which have been adopted by the local government and will be followed by this program supersede these minimum property standards. All work to be performed on housing units will be in compliance with the most recent International Residential Codes for 1 and 2 family dwellings and all amendments. (International Building Code) as well as the following codes:

\*International Building Code \*National Electric Code \*International Gas Code  
\*International Mechanical Code\*Ga. State Energy Code \*International Plumbing Code  
\*International Fire Prevention Code

## **GENERAL PROPERTY IMPROVEMENTS**

General Property improvements (GPI'S) which are modest and typical to housing in Georgia, may be included, provided that such items do not exceed 20% of the owners portion of assistance.

## **MINIMUM STANDARDS OF APPRAISALS**

The City of Perry will hire, with CDBG funds, only appraisers certified in accordance with the Real Estate Licensing Certification Act (see Exhibit I) to appraise properties within the project activity location that are deemed to be worth a dollar amount which exceeds \$10,000 in value. This appraisal will be the basis on which a "Determination of Just Compensation" will be made. The owner of the property will be invited to accompany the appraiser at the time of the appraisal. This invitation will be provided to the owner a minimum of three days prior to the visit of the appraiser to the property.

## **MINIMUM QUALIFICATIONS FOR APPRAISERS**

Appraisers Contracted for this project must be certified under the Real Estate Appraiser Licensing and Certification Act of the Federal Regulation 49c FR Part 24 Section 24.103 and must hold current business license in the State of Georgia. This person shall not have a direct interest in the property, or be related to or in business with anyone who has an interest in the property to be acquired.

## **CONDEMNATION POLICY AND AUTHORITY**

Every effort will be made by the City of Perry to negotiate a price for property and/or structures to be acquired in this project. However, if all negotiations fail, the City of Perry will be authorized to exercise the Power of Eminent Domain.

## **APPEALS POLICY AND PROCEDURES**

The City of Perry has developed an appeals policy and procedure for all applicable activities related to this CDBG project. The policy states that all persons submitting an application for assistance and receiving assistance under the Community Development Block Grant Program within the project activity location has the right to appeal any and all decisions for assistance and any types of assistance they may be eligible for. A copy of this policy and procedure is attached as an exhibit.

## **FINANCIAL PLAN**

Only broad statements will be covered in this section. Specific information concerning the financing techniques for housing rehabilitation will be provided in the section under program procedures. Every effort will be made to provide families with assistance within the project activity location.

## **APPLICANT ELIGIBILITY REQUIREMENTS**

All persons requesting CDBG funds will be required to complete an application for housing assistance. The application will assist in determining if the applicant is eligible for such assistance. This procedure is described under the housing rehabilitation section of this document.

## **REHABILITATION/RECONSTRUCTION ADVISOR**

A rehabilitation/reconstruction advisor shall be utilized to perform housing activities in this program.. That advisor shall have no less than five (5) years experience. The duties to be performed by the advisor are attached as an exhibit to these policies and procedures.

## **FEDERAL SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM**

All persons receiving public benefit under this program will be required to sign an Affidavit verifying status for City public benefit application form. (Ref. O.C.G.A 50-36-1) See Attachments for copy of form.

## **EXCLUSIONS AND ADJUSTMENTS TO APPLICANTS INCOME**

The income of the dependent child or children, as defined by the United States Internal Revenue Service, shall be excluded from the applicant's income. However, a child or children's income shall be counted in determining applicant's income in cases where the child or its representative payee agrees to pay the applicant a stated sum on a regular basis for current maintenance.

## **RECONSTRUCTION**

If applicable, reconstruction may be carried out in a target area which is less than a community as a whole with housing rehabilitation being the major thrust of the project.

## **TEMPORARY RELOCATION BENEFITS**

### **Owner Occupied Units:**

Generally, under this grant program, temporary relocation will not be offered for owner occupied housing units. However, if there is a special case where a family may not have someone to live with or may not be able to afford a temporary place to live while construction is underway, the Grant Administrator may allow temporary relocation. If temporary relocation is deemed necessary, this would only be allowed for the reconstruction activity.

### **Rental Rehabilitation Units:**

During the time of displacement, persons being temporarily displaced will be provided advisory services and reimbursement for all relocation, including moving, increased housing and utility cost deemed reasonable and necessary by the City of Perry project administrator.

A. U.R.A. - When necessary or appropriate, residential tenants who will not be required to move permanently, may be required to relocate temporarily for the project. All conditions of temporary relocation must be reasonable. At a minimum, the tenant shall be provided:

1. Reimbursement for all reasonable out-of-pocket expenses incurred in connection with temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility cost such as housing.
2. Appropriate advisory services, including reasonable advance written notice of (a) the date and approximate duration of the temporary relocation; (b) the address of suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; (c) the terms and conditions under which the tenant may lease and occupy a decent, safe, and sanitary dwelling in the building/complex upon completion of the project; and (d) The provisions of paragraph (1) written above.

## **ELIGIBLE/INELIGIBLE CONTRACTOR REQUIREMENTS**

Contractors will be deemed eligible by the Project Administrator and the City of Perry only after a "Contractors Application for Registration" has been completed and is approved. All contractors performing work that requires a state license will be required to have a General Contractors license issued by the State of Georgia. However, the Georgia licensing board allows contractors to perform certain repairs without a license under the Traditional Speciality Contractors and Speciality Limited Service Contractors Rule. A list of these repairs is included in the exhibit section. These repairs may be performed by a non licensed contractor with the permission of the homeowner. A homeowner consent form is also attached in the exhibit section.

## **INELIGIBLE CONTRACTORS**

The City of Perry or the Project Administrator shall remove any contractor from the approved contractors list for one or more of the following reasons:

1. Continuous performance of unsatisfactory (poor quality) work, as deemed by the City of Perry or project administrator.
2. Failure to maintain required insurance.
3. Failure to pay sub-contractors and/or material dealers.
4. Failure to respond to grievances from homeowners.
5. Failure to respond to warranty work in a timely fashion.
6. Failure to maintain current license and/or registration.
7. Insolvency, bankruptcy, or other conduct or condition which has resulted in a monetary loss to a homeowner in connection with any contract funded through a state or federal program.
8. Failure to complete contract work or abandonment of a job.
9. Withdrawal of bid without justification.
10. Conviction of a crime in connection with any contract work, or connection with payment, or receipt of funds from ANY state or federally funded program.

## **APPLICANTS - CONTRACTORS TERMS AND CONDITIONS**

All applicable state and federal regulations, equal opportunity provisions, conflicts of interest, and etc. are incorporated into all construction contracts for housing rehabilitation to ensure that all housing goals and objectives are met. Sample contract is attached in the exhibit section.

## **CONTINGENCY**

Contingencies will be set aside to address any hidden or unforeseen deficiencies that arise after housing construction contracts have been executed.

## **BIDDING POLICY**

Grant Specialists of Georgia, Inc., Inc. Staff will be responsible for conducting all bid openings. The bidding process for housing activities will be open, free competitive process. The homeowner does however, retain the right to the negotiation process to ensure all housing goals and objectives are met to the fullest extent. See Exhibits named Owners Selection of Bidding Method and Contractor.

## **Lead Based Paint Hazard Removal**

Testing for lead hazards will be necessary on any housing unit constructed prior to 1978 in which housing rehabilitation is proposed. A complete copy of the Requirements for Notification, Evaluation and Reduction of Lead Based Paint Hazards is attached as an exhibit to this document.

### **PROGRAM DEFINITIONS**

The following are definitions of terms for this program:

AFTER REHAB APPRAISAL: The highest price a property will bring after rehabilitation if exposed for sale on the open market, allowing a reasonable time to find a buyer who buys with knowledge of all uses for which the property is capable of being used or adapted. The value must reflect the consideration of the neighborhood upgrading expected as a result of the rehabilitation program.

AREA: Program activity location as prescribed in the 2017 City of Perry CDBG application. A map is attached to this document as an exhibit.

CODE VIOLATION: A violation of the Minimum State Housing Codes See MPS exhibit.

DATE CERTAIN: Date and time a loan is scheduled for settlement.

DECENT SAFE AND SANITARY DWELLING: A dwelling which meets applicable housing and occupancy codes. Any of the following standards which are not met by an applicable code shall apply, unless waived for good cause by the federal agency funding the program. The dwelling shall:  
be structurally sound, weather tight and in good repair;  
contain safe electrical wiring system adequate for lighting and electrical devices; contain a heating system capable of sustaining a healthful temperature of approximately 70 degrees for a displaced person, except those areas where local climatic conditions do not require such a system. If cooling is determined to be as critical as heating for a particular area, the displacing agency may require that an adequate cooling system be provided; adequate in size with respect to the number of rooms and area of living space needed to accommodate the family. There shall be separate, well-lighted, ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall and a toilet all in good working order and properly connected to appropriate sources of water and sewer drainage connections. There shall also be a kitchen area that contains a fully working sink which is properly connected to hot and cold water and the sewage drainage system. Adequate space and utility service connections shall also be present for a stove and refrigerator;

Structure shall provide unobstructed ingress and egress to safe open space at ground level. A second story unit shall have direct access through a common corridor and the corridor must have at least two means of egress;

persons with handicap disabilities must be provided with a dwelling free any barriers which would hinder reasonable ingress or egress.

DEFAULT: Failure of a mortgage to perform in accordance with the terms of the mortgage.



DEFERRED PAYMENT LOAN: A zero interest loan to "target area" homeowner. Families who own and occupy their homes will be required to enter into an Owner Occupied repayment agreement which stipulates that the recipient will not transfer title of ownership of the home for the period of affordability stated in the Owner Occupied Repayment Agreement which would be 5, 10 or 15 years based on the amount of rehabilitation funds spent on the unit.

DWELLING: Permanent or customary and usual residence of a person, according to local custom or law. This includes a single family house, multi-purpose property; condominium or cooperative housing project, a non-housekeeping unit; mobile home; or any other residential unit.

FEASIBLE FOR REHABILITATION: Property is considered to be feasible for rehabilitation if the rehabilitation cost necessary to bring the property up to minimum standards is less than the replacement cost.

FINANCIAL ADVISOR: Staff member for the project administrator responsible for loan origination and all other rehabilitation financial matters.

FORECLOSURE: Legal proceedings that terminate the mortgagee's ownership of the property covered by the mortgage.

GENERAL PROPERTY IMPROVEMENTS: Referred to as GPI's. Improvements to the property which does not constitute code violations, including, but not limited to, additions, enlargements, renovations, remodeling, site improvements, etc.

HAZARD INSURANCE: Insurance coverage for the loss of property due to fires and other hazards. (Home Owners Insurance)

INCIPIENT CODE VIOLATION: An element in structure that has not been cited as a code violation but the element is in early stages of deterioration and will become a code violation in a short period of time.

INCOME: INCLUSIONS, REPORTING, VERIFICATION AND EXCLUSIONS:

Sources of an applicant's income include the gross income of applicant and all other persons related by blood (18 years of age or older), marriage, or operation of the law, who share the same dwelling unit. An applicants income is established on an annual gross basis at the time of applying for assistance from the following:

- a) The applicant's earnings;
- b) Spouses earnings;
- c) Any funds contributed on a regular basis by any household member who does not have an ownership interest in the property;
- d) Other income received regularly by the applicant or his/her family from any source; (saving account)
- e) Net income from real estate, other than property to be rehabilitated, and any other net business income;
- f) Income from the rental units other than the property to be rehabilitated based on the following;

Gross rental income for one year minus expenditures for mortgage principal and interest, mortgage insurance premiums service charges, hazard insurance, real property taxes and special assessments, maintenance and repairs, heating and utilities, ground rent, and other cash expenditures for the property, such as advertising of vacancies.

g) Applicants who are self employed shall be required to submit tax returns for the past 2 years;

h) When computing gross family income for the purpose of determining "low/mod" eligibility for benefits and deferred payment loans, medical expenses for long-term illnesses can be deducted from gross family income.

INITIATION OF NEGOTIATION: The delivery of initial written offer of just compensation to the owner to purchase the property for the project.

INTEREST: A percentage of a loan paid by the borrower to the lender for the use of the lender's money.

LIEN: A claim against property which entitles the person holding the lien to take appropriate legal action to satisfy the claim.

LOAN APPROVING OFFICER: The individual employed by the local lending institution who is responsible for approving loans and taking corrective actions for delinquencies and defaults.

LOW INCOME: An applicant whose family size does not exceed the limits for "Low and Moderate Income" as authorized by the HUD Section 8 for Houston County as revised.  
(See Exhibit B)

LOW AND MODERATE INCOME UNIT: A dwelling unit with the market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR, Part 888.

OWNER-OCCUPIED PROPERTY: A property used entirely for residential purposes that is occupied by the owner.

OCCUPIABLE DWELLING UNIT: A dwelling unit that is in standard condition or is in substandard condition suitable for rehabilitation.

PRINCIPAL: The original amount or sum of money on which interest will be paid.

PRINCIPAL REDUCTION: The sum of CDBG funds that will be used to reduce the loan that the investor-owner must borrow from a lending institution to induce an incentive to the borrower to participate in the Housing Rehabilitation Program.

PROJECT ADMINISTRATOR: Individual responsible for intake, processing and submission of the application as well as the day-to-day operation of the program.

REHABILITATION ADVISOR: Individual responsible for the rehabilitation work write-ups, cost estimates, inspections and contract management.

REPAYMENT AGREEMENT: Agreement entered into by the City of Perry and the property owner for security of housing rehabilitation funds.

STANDARD CONDITION: Property that meets or exceeds the Minimum Property Standards of the locally adopted housing code and/or the Minimum Property Standards of the Section 8 Housing Code.

SUBSTANDARD CONDITION: Structural/mechanical conditions of a dwelling unit do not comply with the locally adopted housing code or, at a minimum, the Housing Quality Standards of the Section 8 Housing Assistance Payments Program.

SUBSTANDARD CONDITION SUITABLE FOR REHABILITATION: Conditions of a dwelling unit is determined to be structurally feasible for rehabilitation according to the feasibility test.

TITLE REPORT: A written report which indicates the owners record of the property and any encumbrances against the property.

UNLAWFUL OCCUPANT: A person has been ordered to move by the court of competent jurisdiction prior to initiation of negotiations or its determined by the recipient to be a squatter who occupying the property without permission of the owner and has no legal right to occupy the property under state law. A displacing agency may however, at its discretion consider such a squatter to be in lawful occupancy.

UNOCCUPIABLE: Substandard dwelling unit is dilapidated and does not meet the Feasibility Test. (A sample feasibility test is attached as an exhibit to this document.)

VACANT OCCUPIABLE DWELLING UNIT: A vacant unit that is in standard or substandard condition which is suitable for rehabilitation or a dwelling unit that has been occupied (except by squatter) at any time within a one year period beginning one year before the date of demolition of the unit.

WARRANTY DEED: Legal instrument that conveys title, rights and possession of a property.

WORK WRITE-UP AND COST ESTIMATE: Statement prepared by the rehabilitation advisor based on a property inspection report that itemizes all rehabilitation work to be done on the property and includes an estimate of the costs to correct each item.

#### **CHANGES WAIVERS AND/OR CONFLICTS**

The City shall have the right to change, modify or revoke all or any of this plan by a majority vote of the City Council, provided an accepted alternative rehabilitation program is approved.

The right to waive minimum property standards shall be retained by the project administrator acting on behalf of the City Council, providing such a waiver will not diminish marketability of the property when long standing local acceptance is evident or the architecture of the structure makes compliance infeasible.

## **METHODOLOGY FOR UTILITY COSTS**

Pre-existing rehab utility cost will be determined by one year utility receipts. Post rehab utility cost will be determined by GHFA utility cost, of which a copy is available at Perry City Hall.

## **HISTORIC PRESERVATION COMPLIANCE**

All efforts will be performed to comply with historic preservation. A copy of the programmatic Agreement between DCA and Historic Preservation Division is attached.

## **ACQUISITION PROGRAM PROCEDURES, if applicable**

The City of Perry will make every reasonable effort to acquire the real property expeditiously by negotiation and ensure that all acquisition of real property is acquired through the following procedures:

Determine the property to be acquired;

establish that there are no outstanding liens on the property to be acquired through a title search process.

General Information Notice: This notice will be mailed or hand delivered stating the City's interest in acquiring their property, enclosed will be the HUD booklet "When A Public Agency Acquires Your Property".

Appraisal: Before the initiation of negotiations, the real property to be acquired shall be appraised, except as provided in paragraph titled Owners Determination for purchase of property in this section as stated in Federal Regulations - Vol. 54, No. 40, March 2, 1989, 24.102 (c) (2), and the owner, or the owners designated representative, shall be given opportunity to accompany the appraiser during the appraiser's inspection of the property. Once the appraisal is complete a review appraisal will be performed. This review appraisal will ensure that the original appraisal was performed properly.

Owners Determination For Purchase Of Property: This notice will be hand delivered to the owner stating that the owner is to be informed that they have the right to either/or (1) received full just compensation (fair market value) based on an appraisal or other available data; (2) donate the required land and/or dwelling/easement/rights-of-way; (3) waive the right to an appraisal; or (4) negotiate an amount of money or services agreeable to both parties.

Written Offer To Purchase And Summery Statement Of The Basis For The Determination Of Just Compensation: This notice will be provided to the owner. This notice must include a description and location identification of the real property and the interest in the real property to be acquired. Also included will be the identification of all buildings, structures or other improvements to be acquired. Obtaining evidence of the owner's receipt of this document as well as the date of receipt shall constitute "INITIATION OF NEGOTIATIONS".

Grant Specialists of Georgia, Inc., Inc. and the City of Perry will make reasonable efforts to contact the owner or the owner's representative and discuss the projects offer to purchase the property, policies and procedures, including all eligible payments. The owner will be given reasonable opportunity to consider this offer.

Should the owner disagree with the offer, they may present materials to the City which they believe are relevant in determining the value of the property and suggest modifications in the proposed terms. After review of said documents, if the City of Perry and Grant Specialists of Georgia, Inc., believe that the owners offer is warranted, Grant Specialists of Georgia, Inc. will reestablish "Just Compensation" and offer that amount to the owner in writing.

Waiver Of Just Compensation/Appraisal: If the owner waives their rights to an appraisal and/or "Just Compensation" a WAIVER OF JUST COMPENSATION AND/OR APPRAISAL will be signed by the owner and retained for the purpose of removal of said purchase.

A Bill of Sale and Easement will be provided to the owner that shows the transfer of ownership to the City, and the right of easement for the purpose of removal of said purchase.

Closing Statement Of Sale: A statement will be issued to the seller from the City showing the net purchase to seller and the total disbursements of the sale. Grant Specialists of Georgia, Inc. will schedule a closing meeting and hold same. A statement of settlement costs and a bill of sale will be furnished by Grant Specialists of Georgia, Inc. and all closing documents will be retained in the individual case file.

Power Of Eminent Domain: If the power of eminent domain is exercised by the City, formal condemnation procedures will be instituted. An amount not less than the City's determination of "Just Compensation" for the property will be deposited with the court. The time of condemnation will not be advanced or negotiations deferred to compel an agreement on price.

Appeals Policies and Procedures: A written appeals policy and procedure statement will be provided to the recipient when they receive the preliminary acquisition notice.

Individual Case File: If an owner owns more than one property in the project area, a separate case file will be kept on each property purchased.

## **HOUSING REHABILITATION PROCEDURES**

The City of Perry has contracted with Grant Specialists of Georgia, Inc. To administer and give technical assistance in this CDBG program to ensure that all housing rehabilitation will comply with the following procedures.

All applicants for housing assistance will be provided a copy of the approved Appeals Policies and Procedures at the time of application. All applicants will have their rights explained to them at that time.

### **1. Application for Housing Assistance**

#### **A. Determine of Priority Process:**

Application will be accepted on a "first come first serve" basis. Applicants submitting incomplete applications will be notified of the discrepancies and applications will be returned to the applicant for completion.

If a completed application is not returned within the established time frame, it will be returned to the bottom of the application list.

If more applications are submitted than can be handled in one bid-opening, handicapped and elderly will take priority.

#### **B. Appeals Policies and Procedures**

All applicants for housing assistance will be provided a copy of the approved Appeals Policies and Procedures at the time of application. All applicants will have their rights explained to them at this time.

### **2. Applicant Eligibility Requirements**

#### **A. Low and Moderate Income Requirements:**

(i). Proof of Income - This will be verified through: a) the previous years tax returns; b) employment pay stubs and/of copy of check; c) verification of employment from employer or verification of income through AFDC/SSI/Social Security/VA or personal retirement plan.

(ii). Verification of Deposit - All bank accounts will be verified through the bank.

**B. Property ownership** - A copy of the Warranty Deed submitted by the applicant and title search through an attorney.

C. Proof of Property Insurance - Each owner receiving housing rehabilitation assistance will be required to provide proof of fire insurance prior to the initiation of construction. If insurance can not be provided due to the condition of the unit, insurance must be provided after completion of the unit.

D. Paid Property Taxes - Applicants must submit a copy of paid property taxes that shows taxes are paid up-to-date.

E. Reside In Specific Targeted Area - Housing rehabilitation assistance will be provided to only those families who reside within the specific targeted area.

F. Proof that all city utilities are paid and current, ie: water, sewer, trash, etc.

G. Lead Based Paint Notice - The owner will be required to sign a copy of the HUD "Lead Based Paint Warning Notice" that certifies that they have received a copy of this notice and are aware of lead base paint.

### **3. Initial Inspection**

A. Feasibility Test - An economical and structural test will be performed on the housing unit to determine if it is cost feasible for rehabilitation, reconstruction or if it would be more feasible to acquire the dwelling and provide either on-site new construction or other types of assistance to ensure that all residents of the target area live in standard housing.

### **4. Reconstruction**

In reconstruction cases, temporary relocation assistance may be provided in special hardship cases as follows:

A. Assistance may be provided in finding a suitable temporary replacement unit. The monthly rent of the temporary dwelling will be provided by CDBG funds, if available.

B. Persons receiving temporary relocation assistance will be provided moving and related expenses if needed. Specifically they will be provided for all out-of-pocket expenses incurred in connection with temporary displacement, if deemed necessary.

## **5. Preparing the Work Write-Up and Cost Estimate**

If housing units are feasible for rehabilitation, a work write-up is then prepared, indicating corrections of code violations by line item to ensure that minimum state codes are met. A cost estimate is then calculated from the work write-up by utilizing the Rehab Advisor's "Local Cost Index".

When the determination has been made to proceed, the Rehab Advisor will contact the owner to finalize and disclose each item of the work write-up.

## **6. Financing**

Financial assistance will be provided for substantial rehabilitation via deferred payment loans, also known as owner-occupied repayment agreements. Home owners will be required to enter into these agreements with the City of Perry. These deferred payment loans will be recorded at the Houston County Courthouse. Repayment agreements will be entered into as follows:

- \* Based on family size, families with gross annual incomes that fall below the poverty level will be required to provide a one time payment of \$500 toward the cost of rehabilitation.
- \* Based on family size, families with gross annual incomes that exceed the poverty level but fall below 50% limits (very low) will be required to provide a one time payment of 7% of their total gross yearly household income toward the cost of the rehabilitation.
- \* Based on family size, families with gross annual incomes that exceed 50% limits but fall below the low income limit will be required to provide a one time payment of 10% of their total gross yearly household income toward the cost of the rehabilitation.

## **7. Invitation to Bid**

Bid packets (work write-ups without cost figures) are prepared by the Rehab Advisor and delivered to the City for dispersing to contractors. At the same time, the Rehab Advisor will send letters to qualified contractors informing them of where and when they may obtain a bid packet, and instructions for submitting bids. Bids are to be returned to the City of Perry offices in a sealed envelope with the name of the property owner job(s), the date of the bid opening, and the name of the contractor on the front of the envelope.

## **8. The Bid Opening**

At the bid opening, the precise time will be synchronized with the contractors present. The Rehab Advisor will be present to answer questions concerning the work write-up.



The Project Administrator will preside over the bid opening. Each bid will be opened separately and read aloud. Minutes of the bid opening and a tabulation of all bids received will be recorded for documentation. The purpose of the bid process is to determine lowest bid. The homeowner has the right to reject any and all bids submitted. With homeowners concurrence and acceptance of the low bid, the successful contractor will be mailed a bid acceptance letter.

Upon award of the contract, the Project Administrator will notify unsuccessful Contractors that they were not awarded the contract.

**9. Determination of "Reasonableness" of Low Bid:**

After all bids have been opened and recorded, the Rehab Advisor will then perform a "bid analysis" to determine if the bid falls within 10% above or below the Rehab Advisors cost estimate. This process will ensure that the "low" bid is of an adequate amount to perform the work that is prescribed in the work write-up.

a. Preconstruction Conference: The Program Administrator will schedule a meeting between the homeowner and the contractor to discuss the details of the contract and the construction of the unit to be rehabilitated. All aspects of the contract and each phase of construction will be reviewed at this time.

b. Contract Required: Rehabilitation financed through this program shall be undertaken only through a written contract document between the contractor and the homeowner. The contract shall be signed by the homeowner and the contractor following approval of the grant/loan. The contract shall be initiated by a written "commencement notice" to be issued by the Rehab Advisor and no work shall commence until such notice is given. The contract shall contain a bid and proposal from the contractor, a work write-up, the Standard Specifications for Residential Rehabilitation, the Terms and Conditions for Rehabilitation Assistance, and a Contractors Warranty.

Upon the award of a construction contract for rehabilitation, the contractor shall execute three (3) original contract documents. They shall be distributed as follows:

1. One original to owner
2. One original to the contractor
3. One original to be kept in the owners case file.

c. Disputes Between the Property Owner and the Contractor:

In the event a dispute occurs with respect to the rehabilitation work, the Project Administrator shall take appropriate action in accordance with the provisions of the rehabilitation contract. No legal action shall be instituted by the Project Administrator on behalf of either party in connection with the rehabilitation contract.

Such appropriate action shall include arbitration to assure the protection of both the property owner and the contractor. An Arbitrator shall be appointed by the City.

**10. Inspection:**

The contractor shall be required to promptly secure all necessary inspections and approvals required and permit reasonable inspection of all work by authorized inspectors.

It is the Rehab Advisor's responsibility to be present at the job site when the contractor begins work and throughout the rehabilitation process while work is ongoing. Periodic inspection reports will be made by the Rehab Advisor to show general progress of work along with any changes or deficiencies which may have occurred during the rehabilitation process.

**11. Progress Payments:**

A progress payment will be made available to the contractor after eighty percent (80%) of the scheduled work has been completed. During unusual cases, such as hardship, a contractor may request a progress payment, however, a minimum of fifty percent (50%) of the work scheduled must be completed. The determination of a progress payment before the 80% completion point will be that of the Rehab Advisor with the Homeowners concurrence. No more than Four payments will be made to the contractor.

**12. Change Orders**

Complexities involved during the initial inspection of a housing unit often times make it impossible to detect every hidden code violation. Rehab Advisor's will rarely certify that the housing unit in question will be brought up to minimum state codes when the initial work write-up has been completed. The alternative is to prepare a changeorder to be attached to the rehabilitation contract. This change order will describe the work necessary to reach MSC on the housing unit. The procedure for obtaining a reasonable amount to do the additional work is basically the same principle in securing a negotiated bid.

The rehab advisor shall prepare an itemized list of work to be performed or deleted. Justification for added or deleted items will be described in detail. The contractor will then price each item as requested on the change order and return it to the rehab advisor. The rehab advisor will then determine if the figures are justified by comparison to his Local Cost Index. Lastly, the rehab advisor will discuss the changes with the homeowner for final approval. With the homeowners concurrence, the change order is prepared and executed.

### **13. Executing Close-Out**

Final inspection will be made by the rehab advisor and/or the project administrator only when it has been requested by the contractor and conducted on the assumption that all work has been completed. Reference to the work write-up along with any change orders will be used by the rehab advisor as a check-list for compliance to insure that all work has been completed. Any work items that do not meet specifications for residential rehabilitation will be listed and given to the contractor. After all items on the list have been corrected, the contractor may again request a final inspection.

### **14. Individual Case File**

Separate files will be made for each individual project, and if an owner owns more than one parcel of property in the project area a separate file will be kept on each parcel of property.

## **RECONSTRUCTION PROCEDURES**

The reconstruction procedures shall follow the same guidelines as the rehabilitation procedures with the following exceptions. All new reconstructions will be in compliance with the most recent International Residential Codes for 1 and 2 family dwellings and all amendments. (International Building Code) as well as the following codes:


- International Building Code
- National Electric Code
- International Gas Code
- International Mechanical Code
- Ga. State Energy Code
- International Plumbing Code
- International Fire Prevention Code



**Where Georgia comes together.**

**TO:** Mayor & Council  
Lee Gilmour – City Manager

**CC:** Bryan Wood – Community Development Director

**FROM:** Christine Sewell – Administrative Assistant 

**DATE:** November 16, 2017

**RE:** Subdivision Acceptance

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**The maintenance agreement for the subdivision listed below has been inspected by the Community Development Department and is recommended for City acceptance**

**Lake Forest Phase 1 – acceptance of streets (Dog Fennel Lane, Wild Azalea Drive, and Wayland Circle).**

**Water and Sewer has been previously accepted.**

**Please contact us with any questions or comments. Thank you.**

**A RESOLUTION  
ACCEPTING OWNERSHIP AND MAINTENANCE  
OF CERTAIN INFRASTRUCTURE**

**WHEREAS, the proper process to accept ownership and responsibility for maintenance and operation of streets, sidewalks, stormwater drainage, water lines, sewerage lines and other infrastructure would be by resolution of the Council; and**

**WHEREAS, a development has been inspected by the Department of Community Development and Public Works and determined to meet or exceed minimum City standards;**

**NOW, THEREFORE THE COUNCIL OF THE CITY OF PERRY HEREBY RESOVLES that the below named subdivision infrastructure is accepted for maintenance and operation by the City.**

**Lake Forest Phase 1**

**CITY OF PERRY:**

**BY: \_\_\_\_\_  
James E. Faircloth, Jr., Mayor**

**ATTEST: \_\_\_\_\_  
Annie Warren, City Clerk**

**(CITY SEAL)**



**MEMORANDUM**

TO: Lee Gilmour, City Manager  
FROM: Brenda King, Director of Administration  
DATE: November 7, 2017  
SUBJECT: Recommendation of Award  
Bid #2018-15

Description: Mini Excavator

FUND:

<u>Vendor</u>	<u>Model</u>	<u>Bid Amount</u>
Central GA Equipment – Byron, GA	Case CX37C	\$30,489.00*
Vermeer Southeast – Marietta, GA	Yanmar Vi035-6	\$32,487.00*
Mason Tractor Company – McDonough, GA	Kubota KX033-4	\$33,257.00*
MacKinnon Equipment & Services – Tifton, GA	JCB 8035ZTS	\$34,986.81
Crosby Equipment – Macon, GA	Hyundai 35Z-9A	\$35,200.00
Flint Construction – Macon, GA	John Deere 35G	\$37,918.15
Yancey Brothers – Macon, GA	Caterpillar 303.5E2OS	\$39,000.00
Ditch Witch of GA – Albany, GA	Takeuchi TB240	\$40,461.00
United Rentals – Macon, GA	Takeuchi TB240	\$41,032.58

\*Minimum specifications were not met.

**Department recommendation: Award the bid in the amount of \$34,986.81 to MacKinnon Equipment & Services.**

## Annie Warren

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**From:** Brenda King <brenda.king@perry-ga.gov>  
**Sent:** Wednesday, November 15, 2017 6:46 PM  
**To:** Annie Warren  
**Subject:** FW: Mini x

Annie  
Attached is Bob's recommendation to back up the Mini Excavator bid award

Thanks

-----Original Message-----

From: perry maintenance [<mailto:maintenance@perry-ga.gov>]  
Sent: Monday, November 06, 2017 9:23 AM  
To: Brenda King  
Subject: Mini x

After reviewing all the bids sent in for the purchase of a new mini x for the gas department, I found the JCB 8035ZTS unit offered by Mackinnon equipment, met all our specifications.  
This unit was low bid of the four that met our specs.  
Price is \$34,986.00  
This would be my recommendation for purchase.

Bob Taylor  
Vehicle Maintenance Manager  
988-2882



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## City of Perry Special Events Application

### Applicant and Sponsoring Organization Information

Name: Perry Ministerial Association
Name of individual representing sponsor organization: John Lehenbauer
Street address: 208 Langston Rd
City/State/Zip code: Perry, GA 31069
Mailing address if different from above:
Cell phone: 478-397-5914
Email address: perryministerial@gmail.com
* The individual's name and contact information stated above will also be distributed to answer public inquiries about the event.
If this event benefits a City of Perry non-profit organization, which one? Perry Ministerial Association
Contact person on site for day of event: John Lehenbauer
Cell phone: 478-397-5914
Is this a first time event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If held before, when and where? Historic downtown courthouse ~ 25 years +

### Event Information

Type of event (Check all that apply): <input type="checkbox"/> Parade <input checked="" type="checkbox"/> Festival <input type="checkbox"/> Concert/Music <input type="checkbox"/> Other
* For parades, races and block parties, please, request the event applications specific to those events.
If other, specify:
Event title: Christmas at the Square
Event date: Sunday, Dec. 3
Event hours: Start: End:
Set-up: Date: Sun. Dec. 3 Time: 5 p.m.
Break down: Date: Sun. Dec. 3 Time: 7 p.m.
Expected attendance: Participants: 20 Spectators: 300



## 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 this event is to celebrate the true meaning of Christmas, namely the birth of Jesus Christ. It benefits our community by continuing a long tradition of providing an opportunity for our Christian churches to gather jointly, to hear the Christmas story read from Luke 2, sing Christmas carols, and witness the lighting of the Christmas Tree. Luminaries are lit by local Boy Scouts

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:

Will event have amplified sound?  Yes  No

If yes, describe: A fairly simple sound system to amplify speakers, choir.

Is the event free to the public?  Yes  No

Will vendors cook or heat food?  Yes  No

If yes, describe:

Will any areas be fenced off or barricaded?  Yes  No

If yes, describe:

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:

Pre-event music is provided by the Langston Road Chorale.

## 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> Carroll	<b>Between:</b> Jernigan	<b>and:</b> Washington
<b>Street:</b> Bell	<b>Between:</b> Commerce	<b>and:</b> Main
<b>Street:</b>	<b>Between:</b>	<b>and:</b>
<b>Street:</b>	<b>Between:</b>	<b>and:</b>
<b>Street:</b>	<b>Between:</b>	<b>and:</b>
<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> 4:30 - 7:00 p.m.		
<b>Why are you requesting the street closure(s)?</b> Safety for participants		
<b>Type of street closure:</b> <input checked="" type="checkbox"/> Complete <input type="checkbox"/> Rolling		
<b>If event includes a parade, describe the parade route:</b>		
<b>Parade assembly area:</b>		
<b>Parade disbanding area:</b>		
<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>		

## 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?

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

Please, describe your parking plan:

## Sanitation

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

Volunteers pick up litter from site  
City Works Dept. has picked up luminaries in the past

## Electricity and Water

Will your event require access to electricity?  Yes  No

If so, where? From Historic downtown Courthouse

What electrical load will you require?

Just a couple 110v outlets

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: 0

Total hours for officers requested: 0

## Fire and Emergency Medical Services

Describe your plan for providing emergency medical services:

Due to the brief nature of this program, around one hour, we feel that we can access all by phone if needed.

\*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. Vendors and/or event organizers are responsible for scheduling 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 Ministerial Assoc/ John Lehenbauer (Special event organizer/applicant) to utilize the sites(s) known as Downtown Historic Courthouse 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:	<i>John C. Lehenbauer</i>
Name, signature and stamp of Notary Public:	<i>Cynthia K. Hooser</i> Notary Public Houston County, State of Georgia
Date:	<i>4/9/17</i> My Commission Expires 2/3/2019

## 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: *John C. Lehenbauer*

Signature: *John C. Lehenbauer*

Date: *11/9/17*

- 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  
 Perry, GA 31069  
 (478) 988-2736  
 (478) 988-2705 (fax)  
 annie.warren@perry-ga.gov

### Hand-deliver completed application to:

City Clerk at  
 Perry City Hall  
 1211 Washington Street  
 Perry, GA 31069

OR

## Office Use Only

<b>Date received:</b>
<input type="checkbox"/> Special event application fee received
<input type="checkbox"/> Council approval for event received <b>Council approval date:</b>
<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

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

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

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

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



Event General Liability Insurance  
**Proposal & Application**

Payment Outstanding: [Click here to make payment](#)

<b>PROPOSAL NUMBER</b> 1714284
<b>PREPARED ON</b> 11/09/2017
<b>PROPOSAL VALID UNTIL</b> 11/16/2017 (7 days)

<b>PREPARED FOR</b> Perry Ministerial Association John Lehenbauer 208 Langston Road, Perry, Perry, GA 31069 Phone: 4783975914 Email: john@lehenbauer.us	<b>LICENSED AGENT (ALL 50 STATES)</b> East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley, CA 95945
<b>PROPOSAL CREATED BY</b> www.TheEventHelper.com Inc. Direct Sale 1020 McCourtney Rd. Suite B, Grass Valley, CA 95949 Phone: (530) 477-6521 Email: info@eventhelper.com	<b>INSURED BY</b> Evanston Insurance Company NAIC: 35378 Rating: A.M. BEST A(Excellent) XV
<b>COVERAGE LIMITS</b> Each Occurrence (Includes Bodily Injury and Property Damage) \$1,000,000 Personal & Advertising Injury \$1,000,000 Products / Completed Operations Aggregate \$1,000,000 General Aggregate \$2,000,000 Medical Payments \$5,000 Liquor Liability Not Included Waiver of Subrogation Not Included Additional Insured(s) Included Hired & Non-Owned Auto Not Included Deductible \$1,000	<b>POLICY COVERAGE INTENT</b> <b>This is just an brief overview, see policy for exact coverage.</b> Property Damage Coverage for your rented Event Locations. Bodily Injury Coverage for your Event Attendees. Protection from Property Damage & Bodily Injury Lawsuits.  <b>COST BREAKDOWN</b> Premium \$135.00 Stamping Fees \$0.00 Tax \$5.40 Policy Fee \$0.00 Risk Purchasing Group Membership Cost \$55.74  <b>Outstanding Policy Cost \$196.14</b>
<b>EVENT DETAILS</b> Where is your event? <b>GA</b> Total days of coverage you need? <b>1</b> Estimated total attendance? <b>300</b> <b>Christmas Tree Lighting Ceremony</b>	<b>UNDERWRITING QUESTIONS</b> Are there amusement devices, inflatables, rides or animals? <b>No</b> Are there water activities? Is there camping, sleeping overnight or events past 2am? <b>No</b>
<b>COVERAGE TERM</b> Dates of Coverage: 12/03/2017	<b>EVENT DESCRIPTION</b>
<b>ADDITIONAL INSURED(S) (SHOWING 1 OF 1)</b> Perry Ministerial Association John Lehenbauer, President 1211 Washington St Perry, GA 31069	





# Event General Liability Insurance Proposal & Application

<b>PROPOSAL NUMBER</b> 1714284
<b>PREPARED ON</b> 11/09/2017
<b>PROPOSAL VALID UNTIL</b> 11/16/2017 (7 days)

Payment Outstanding: [Click here to make payment](#)

## REFUND POLICY

If I choose to cancel my general liability policy, I will be subject to a refund fee of \$55.74, the full Administration Charge on my policy. In the very unlikely case www.TheEventHelper.com's coverage terms do not meet my venue's insurance requirements and cannot be amended to do so, I am eligible for a full refund of my policy price. No refunds will be issued after the commencement of the policy period.

## TERMS & CONDITIONS

### NOTICE TO THE APPLICANT

No fact, circumstance or situation indicating the probability of a Claim or action for which coverage may be afforded by the proposed insurance is now known by any person(s) or organization(s) proposed for this insurance other than that which is disclosed in this application. It is agreed by all concerned that if there is knowledge of any such fact, circumstance or situation, any Claim subsequently emanating there from shall be excluded from coverage under the proposed insurance.

For the purpose of this application, the undersigned authorized agent of the person(s) and organization(s) proposed for this insurance declares that to the best of his/her knowledge and belief, after reasonable inquiry, the statements in this application and in any attachments, are true and complete. Underwriting Managers or the Company are authorized to make any inquiry in connection with this application. Signing this application does not bind the Company to provide or the Applicant to purchase the insurance.

If the information in this application and any attachment materially changes between the date this application is signed and the effective date of the policy, the Applicant will promptly notify the underwriter, who may modify or withdraw any outstanding quotation or agreement to bind coverage.

### TERMS AND CONDITIONS

A. I/We warrant to the Company, that I/We understand and accept the notice stated above and that the information contained herein is true and that it shall be the basis of the policy and deemed incorporated therein, should the Company evidence its acceptance of this application by issuance of a policy. Note: This application is signed by undersigned authorized agent of the Applicant(s) on behalf of the Applicant(s) and its owners, partners, directors, officers and employees. Name of Person Acknowledging Warranty: John Lehenbauer, 11/09/2017

B. I/We confirm that we understand that your Athletic / Sporting Participants, Performers/Crew/Stunts, Firearms, Auto Exposures, Animal Exposures, Unmanned Aircraft & explosives and Assault & Battery are Excluded From This Policy.

C. I/We confirm that there will be no Mosh Pits or Fireworks/Pyrotechnics of any Kind.

D. I understand there is no coverage for amusement devices, inflatables, rides or animals (classified animal event removes animal exclusion). This does not mean you cannot have them at your event, it means our policy will exclude coverage for water activities, amusement devices, inflatables, rides or animals. This policy will not cover any athletic or sports participants, employees, volunteers, or individuals compensated by the insured.

E. I/We understand that the event types under "EXCLUDED EVENT TYPES" are excluded from this policy.

### EXCLUDED EVENT TYPES

Aircraft Events; Boat Shows (on the open water); Concerts with Rap, Hip Hop, Heavy Metal, or Hard Rock; Go Kart Races; Hang Gliding/Sky Diving; Hot Air Balloon Rides or Events; Motorized Sporting Events; Parachuting; Protests, Rallies or Marches; Haunted Houses, Haunted Attractions; Unmanned Aircraft; Skateboarding; Fraternity Parties; Sorority Parties; Firearms; Parasailing; Raves; Roller Coasters/Sky Coasters; Sky Diving; Tractor Pulls, Trampolines, Wall Climbing, War Games/Re-enactments, Water Events (unless classified as water event type), Water Slides

F. You are hereby notified that your policy will terminate effective no later than the date and time of its expiration. You have no right of automatic renewal and additional coverage will require application with no guarantee of approval or policy issuance.

I understand that by purchasing this insurance I am joining the Promotion, Event and Prize Purchasing Group.

Licensed Agent in all 50 states: Will Maddux

## PURCHASE LINK

[https://www.theeventhelper.com/purchase/index?ehq=1714284&ehsa=open\\_proposal](https://www.theeventhelper.com/purchase/index?ehq=1714284&ehsa=open_proposal)



# CHRISTMAS AT THE SQUARE

*A Historic Perry Tradition*

SUNDAY, DECEMBER 3, 2017

AT THE HISTORIC DOWNTOWN PERRY COURTHOUSE

5:30 PM MUSIC BY THE LANGSTON ROAD CHORALE

6:00 CHRISTMAS AT THE SQUARE

**Welcome** ..... Patricia Lumpkin Jefferson, Pastor, *Oak Grove Memorial CME*

**Opening Prayer** ..... John Lehenbauer, Pastor, *Christ Lutheran Church*

**Thank You** ..... *Caring Solutions Pregnancy Center*

**Mayor's Welcome and Remarks** ..... James Faircloth, Jr., Mayor, *The City of Perry*

**Lighting of the Christmas Tree**

**The Message** ..... Pastor Dennis Harden, *New Hope Baptist*

**Reading of Luke 2**

**Christmas Carols** ..... Sung by all

### Displays/tables

Enjoy free Hot Chocolate courtesy of Christ Lutheran

Something a little different than the usual December photo – have your photo taken at the manger. We'll take the picture for you using your phone/camera, or we will take a photo and e-mail it to you.

*A Love Offering will be received for Caring Solutions Pregnancy Center, Warner Robins  
(Gift cards, Newborn diapers, wipes, baby toys, cash, are welcomed in the receptacle provided)*

# Perry Ministerial Association

PO Box 1426, Perry, Georgia 31069

*Pastor John Lehenbauer, 2017 President*

*Pastor Lewis Kiger, 2018 President*

November 9, 2017

Major William Phelps  
Perry Police Department  
1207 Washington St  
Perry, GA 31069

Re: Traffic re-routing for Christmas at the Square, **Sunday, Dec. 3**

Dear Perry Police Department and Perry City Council,

Greetings. We are writing to request assistance with traffic re-routing for our Annual Christmas at the Square hosted by the Perry Ministerial Association and our Perry area churches. The event will take place in much the same way it has for the past several years. Events for the day will include:

## **Christmas at the Square, Sunday, December 4**

- 5 – 6 p.m. Pre-event activities. Pictures at the Manger. Booths. Hot Chocolate. Etc.
- 5:30 pm Music by the Langston Road Chorale
- 6 – 6:30 p.m. Opening Prayer, Welcome by the Mayor  
Message by Pastor Dennis Harden, Lighting of the Christmas Tree,  
Reading of the Christmas account from Luke 2, with Christmas Carols

The streets for which we request closure/rerouting are:

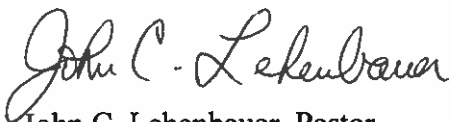
**Carroll Street between Jernigan and Washington Street**

**Ball Street between Commerce and Main Street**

We anticipate traffic beginning to arrive for this event at approximately 4:30 p.m. and traffic departing around 7:00 p.m. Boy Scout Troop 96 places luminaries along the streets for this event and the Perry Fire Department lights these luminaries. The Public Works Department has picked up these luminaries after the event.

Our stage for this event will be located on the grassy side of the historic downtown Houston County Courthouse on the Carroll Street side. We have invited churches and businesses to set up tables on the sidewalks across the street from the courthouse on the Carroll, Jernigan, and Ball Street sides, to serve hot chocolate, cookies, etc. If you need further information, feel free to contact me. In advance, we want to thank the Police Department, the Mayor, and the City Council for your assistance with traffic flow for this event.

In His Service,



John C. Lehenbauer, Pastor  
Perry Ministerial Association  
Ph/Txt: (478) 397-5914  
john@lehenbauer.us



Where Georgia comes together.

## City of Perry Special Events Application

### Applicant and Sponsoring Organization Information

<b>Name:</b> Perry Buzzard Drop/Perry Public Arts Commission
<b>Name of individual representing sponsor organization:</b> Bill O'Neal
<b>Street address:</b> 1109 Washington St
<b>City/State/Zip code:</b> Perry, GA 31069
<b>Mailing address if different from above:</b>
<b>Cell phone:</b> 478.397.7778
<b>Email address:</b> bill@onealinsurance.net
* The individual's name and contact information stated above will also be distributed to answer public inquiries about the event.
<b>If this event benefits a City of Perry non-profit organization, which one?</b> n/a
<b>Contact person on site for day of event:</b> Bill O'Neal
<b>Cell phone:</b> 478.397.7778
<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> Past four years in Downtown Perry

### Event Information

<b>Type of event (Check all that apply):</b> <input type="checkbox"/> Parade <input type="checkbox"/> Festival <input checked="" type="checkbox"/> Concert/Music <input type="checkbox"/> Other
* For parades, races and block parties, please, request the event applications specific to those events.
<b>If other, specify:</b> n/a
<b>Event title:</b> 5th Annual Perry Buzzard Drop
<b>Event date:</b> December 31, 2017
<b>Event hours:</b> Start: 7:00pm End: 1:00am
<b>Set-up:</b> Date: 12/31/2017 Time: 12:00pm
<b>Break down:</b> Date: 01/01/2017 Time: 12:00pm
<b>Expected attendance:</b> Participants: Spectators: 2500-3500

## 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.**

Annual New Year's Eve celebration to bring residents and visitors to Perry to safely celebrate the New Year.

**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:**

Alcoholic beverages will be sold on site from street vendor and Rusty's Bar & Grill. Vendor to sell breakfast sandwiches and vendor to sell coffee/snacks and a novelty vendor.

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

**If yes, describe:** Buddy Lovell (will utilize city electric)

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

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

**If yes, describe:** One vendor will be selling breakfast sandwiches and hashbrowns

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

**If yes, describe:** intersections one block out from courthouse

**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 Breakfast Club is the only band performing. There will be music prior to the band taking the stage from the sound system engineer.

## 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:

Beer and wine from vendor set up in event area.

\* 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: Houston Lake Country Club

Street address of business serving alcohol: 100 Champions Way

City/State/Zip Code: Perry, GA 31069

Mailing address if different from above: n/a

Cell phone:

Email address:

Name of licensee: Mark Byrd

License number: 2017-4539

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

Hours alcohol will be served at event: 7pm to Midnight

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.


Licensee's name: Mark Byrd Date: 11/2/17

Licensee's signature: M S Byrd

Sworn and attested before me on this 2nd day of November, 20 17

Signature of special event organizer/applicant: Bill Orndorff

Name, signature and stamp of Notary Public:  
Christine Sewell



\* The sale of alcohol/mixed drinks requires excise reporting.

### Street Closure Requests

<b>Names of streets to be closed:</b>		
Street: <u>Carroll Street 800 block</u>	Between: <u>8:00am</u>	and:
Street: <u>Jemigan Street</u>	Between: <u>8:00am</u>	and:
Street: <u>Ball Street</u>	Between: <u>12:00pm</u>	and:
Street: <u>Main &amp; Commerce St</u>	Between: <u>12:00pm</u>	and:
Street: <u>Jemigan/Main/Carroll</u>	Between: <u>12:00pm</u>	and:
Street: <u>Carroll/Marion/Wash. St</u>	Between: <u>5:30pm</u>	and:
Street: <u>Jemigan/Carroll/Commerce</u>	Between: <u>5:30pm</u>	and:
When are you requesting the street closure(s)? Day of event for times listed above		
Why are you requesting the street closure(s)? To ensure the area is secured from traffic		
Type of street closure: <input checked="" type="checkbox"/> Complete <input type="checkbox"/> Rolling		
If event includes a parade, describe the parade route:		
Parade assembly area:		Parade disbanding area:
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:		
Notice will be mailed to all affected downtown property owners and businesses two weeks to prior to the event. Advertising for the event will be throughout the month of December through various media outlets.		

## 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?

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

A courtesy van will be provided by Leisure Services for rides home within the City of Perry limits. Van is being requested to be driven by the Police Dept.

Please, describe your parking plan:

There is a VIP parking area on Main & Ball Street and a handicapped parking area on the corner of Ball & Commerce Street

## Sanitation

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

Public Works will provide coordination of this.

## Electricity and Water

Will your event require access to electricity?  Yes  No

If so, where? Corner of Carroll and Jernigan

What electrical load will you require?

What is currently available will be sufficient

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.
<b>Number of officers requested:</b>
<b>Total hours for officers requested:</b>

### **Fire and Emergency Medical Services**

Describe your plan for providing emergency medical services:  <b>Incident Action Plan will be completed and be on file with department. Two light towers are being provided and a crew as determined by department will be dedicated to the event.</b>
*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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### **Health Department**

I understand that the City of Perry does <u>not</u> schedule Health Department inspections. Vendors and/or event organizers are responsible for scheduling 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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 <a href="mailto:ellen.palmer@perry-ga.gov">ellen.palmer@perry-ga.gov</a> .
---

## Indemnification and Hold Harmless

Subject to the granting of all permits required by the City of Perry, the City of Perry authorizes Perry Buzzard Drop/PPAC (Special event organizer/applicant) to utilize the sites(s) known as Downtown Perry 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: \_\_\_\_\_

Name, signature and stamp of Notary Public: \_\_\_\_\_

Date: 11/2/17



## 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: Bill Neal

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

Perry, GA 31069

(478) 988-2736

(478) 988-2705 (fax)

annie.warren@perry-ga.gov

Hand-deliver completed application to:

City Clerk at

Perry City Hall

1211 Washington Street

Perry, GA 31069

OR

### Office Use Only

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

### Signatures Required for Approval

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

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

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

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

POST IN A CONSPICUOUS PLACE

ACCOUNT #: 4539

**2017**

**CITY OF PERRY**  
P.O. BOX 2030  
PERRY, GEORGIA 31069  
PHONE (478) 988-2740 FAX (478) 988-2748



Where Georgia comes together.

**ALCOHOLIC BEVERAGE LICENSE**

**BYRD & COMPANY LLC - ALC**  
100 CHAMPIONS WAY  
PERRY GA 31069

Certificate No.: 2017-4539

Date of Issue: 1/01/2017

**MARK BYRD**  
Manager/Owner

The above listed person has met the requirements of Chapter 3 of the Perry Code of Ordinance and is hereby authorized to sell, offer for sale or furnish to others, alcoholic beverages subject to the conditions of the ordinance relative to:

**MIXED DRINKS/BEER/WINE**

This Certificate Expires On December 31, 2017.

**ANNA NELSON**  
\_\_\_\_\_  
Issuer

*This certificate is not transferable and is subject to be revoked if abused.*

**CITY OF PERRY**  
P.O. BOX 2030  
PERRY, GEORGIA 31069  
PHONE (478) 988-2740

---RECEIPT---

Fee Description		Fee Amount
ADMINISTRATION FEE-ALCOHOL	0 00	35.00
BEER/WINE/MIXED DRINKS ON PREM	0.00	5,000 00
	Penalties	\$ 0 00
	<b>Total Fees</b>	<b>\$ 5,035.00</b>

Your Business License for the period January 1, 2017 - December 31, 2017 is attached.

Total Fees paid for this year are: \$ 5,035.00

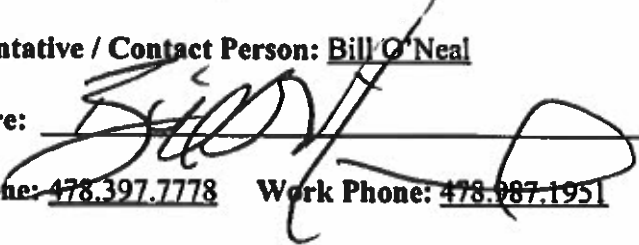
**MARK S BYRD**  
BYRD & COMPANY LLC - ALC  
100 CHAMPIONS WAY  
PERRY GA 31069



Where Georgia comes together.

**City of Perry**  
**Police Department**  
1207 Washington Street  
Post Office Box 2030  
Perry, Georgia 31069

**SPECIAL EVENT ALCOHOL PERMIT LICENSE APPLICATION**

1. **Date of Application:** November 1, 2017
2. **Organization Requesting Permit:** Perry Buzzard Drop/Perry Public Arts Commission
3. **Organization Address:** PO Box 2030 Perry, 31069
4. **Representative / Contact Person:** Bill O'Neal  
Signature:   
Cell Phone: 478.397.7778 Work Phone: 478.987.1951  
Email: bill@onealinsurance.net
5. **Name of Organization Serving Alcoholic Beverage:** Houston Lake Country Club  

---
6. **Name of Alcoholic Beverage License Holder:** Byrd & Company LLC – Mark Byrd
7. **Permit Expiration Date:** December 31, 2017
8. **Description of Special Event:** Downtown New Year's Eve celebration.
9. **Location of Event:** Downtown Perry; Carroll Street on Courthouse lawn
10. **Estimated Number of Attendees:** 2500 to 3500
11. **Event Start Date & Time:** Saturday, December 31, 2017 at 7pm.

12. Event End Date & Time: Sunday, January 01, 2018 at 1am.

13. Number of Off-Duty Officers Requested: \_\_\_\_\_  
(NOTE: Perry PD will determine the actual number of officers required.)

14. Notifications made to adjacent property owner(s): Yes x No \_\_\_\_\_

List of Notifications: Mailing will be sent to all downtown businesses and property owners two weeks prior to the event advising of street closures and times.

15. Citizen's Petition Attached: Yes \_\_\_\_\_ No X

16. Type of Beverages Licensed to be Served: (check all that apply)

- a. Malt Beverage (beer) by the drink x
- b. Wine by the drink x
- c. Distilled Liquor by the drink n/a

Special Event Alcoholic Beverage Permit Fee \$105.00 Paid \_\_\_\_\_ Not Paid \_\_\_\_\_

NOTE: Will request waiver by City Council of fee

Recommended by Chief of Police: \_\_\_\_\_ Date: \_\_\_\_\_

Not Recommended by Chief of Police: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Lee Gilmour, City Manager Date: \_\_\_\_\_

Council Approval Date: \_\_\_\_\_

2017 Perry Buzzard Drop Event Layout - DRAFT

