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AGENDA  
REGULAR MEETING OF THE PERRY CITY COUNCIL  
December 5, 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.
  - \* Presentation to Mayor and Council – Ms. Tian Foss, Houston County Family Connection, Inc.
  - \* Recognition of Sara Nottingham and Todd Ennis for achieving National Certificate of Public Works Management
  - \* Introduction of Ms. Marilyn Royal – Ms. B. King
5. Community Partner(s) Update(s):
6. Appointments to Boards/Commissions/Authorities: Mayor James E. Faircloth, Jr.
  - 6a. Appointment to the Perry-Houston County Airport Authority  
(Until filled)
  - 6b. Appointment to the Perry Housing Authority  
(Until filled)
7. Citizens with Input.
8. Public Hearing: Mayor James E. Faircloth, Jr.

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

- 8a. Amendments to the Perry Land Development Ordinance, Articles 1 – 10 – Mr. B. Wood.

- 8b. Petition for Special Exception Application No. SE-17-05. Applicant, Ailya Jenkins, requests a special exception for a residential business operating “hair care” or beauty salon on the property. The property is located at 316 Flowing Meadows Drive (P64-12) – Mr. B. Wood. *(Note: Council may make a decision following the hearing.)*
9. Review of Minutes: Mayor James E. Faircloth, Jr.
- 9a. Council’s Consideration – Minutes of the November 20, 2017 work session, November 21, 2017 pre council meeting, and November 21, 2017 council meeting. *(Council Member Walker was absent from the November 20, 2017 work session and Council Member Jones was absent from November 20-21, 2017 meetings.)*
10. Old Business: Mayor James E. Faircloth, Jr.
- 10a. Ordinance(s) for Second Reading(s) and Adoption:
1. **Second 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.
  2. **Second 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.
11. Any Other Old Business: Mayor James E. Faircloth, Jr.
- 11a. Mayor James E. Faircloth, Jr.
  - 11b. Council Members
  - 11c. City Manager Lee Gilmour
  - 11d. Assistant City Attorney
12. New Business: Mayor James E. Faircloth, Jr.
- 12a. Matters referred from December 4, 2017 work session and December 5, 2017 pre council meeting.
- 12b. Ordinance(s) for First Reading(s) and Introduction:
1. **First Reading** of an ordinance amending the Perry Land Development Ordinance, Articles 1 – 10. - Mr. B. Wood. *(No action required by Council)*
  2. **First Reading** of an ordinance amending FY 18 Operating Budget – Mr. L. Gilmour. *(No action required by Council)*
- 12c. Resolution(s) for Consideration and Adoption:

1. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.
2. Resolution appointing David G. Walker prosecuting attorney, and John Hulbert, Matthew Hulbert and Brooke Newby as assistant prosecuting attorneys for the Municipal Court of the City of Perry, Georgia – Mr. L. Gilmour.

12d. Award of Bid(s):

1. Bid No. 2018-17 803 Commerce St. Roof Job – Ms. B. King

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

13a. Award of Bid(s):

1. Bid No. 2018-16 Animal Control Administration Building Renovations – Chief S. Lynn

14. Council Members Items.

15. Department Heads/Staff Items:

16. General Public Items:

17. Mayor Items:

18. Adjourn.



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**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: Mayor/Council  
FROM: Lee Gilmour, City Manager <sup>LS</sup>  
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  
Waco, Robins, GA 31088

September 28, 2017

Tommy Stalsaker, Chairman  
Houston County Commissioners  
260 Carl Vinson Parkway  
Waco, Robins, GA 31088

James Feinloth Jr. Mayor  
City of Perry  
1211 Washington St  
Perry, GA 31055

Dear Chairman Stalsaker and Mayor Feinloth:

With a mixture of sadness and relief, I am writing to you to be considered for reappointment to the Perry-Houston County Airport Authority when our current reports on December 31, 2017 come out. I am confident that, on the whole, I have been a good representative of both Perry and the County in my 10 years of service.

The future is full of opportunity for the airport and the Authority will bring good people to help build its growth. I am sure that an excellent replacement will be found and I will be glad to help in any way I can.

I am sure that the County and the Authority will continue to work together to make the Authority effective. I am sure that the Authority will continue to be a good representative of both Perry and the County in my 10 years of service.

Thank you for the Airport Authority. I am sure that the Authority will continue to be a good representative of both Perry and the County in my 10 years of service.

Sincerely,



Art MacDonald

508 Pheasant Ridge Dr

## **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



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

**Public Hearing**  
**Dec. 5, 2017**  
**Tuesday @ 6:00 PM**

November 16, 2017

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

**Re: Amendments to Perry Land Development Ordinance**

**Dear Mayor and Council:**

On November 13, 2017 the Perry Planning Commission reviewed amendments to the Perry Land Development Ordinance as follows:

- Article 1: General Provisions**
- Article 2: Administration**
- Article 3: Establishment of Zoning Districts**
- Article 4: Use Regulations**
- Article 5: Measurements and Dimensional Standards**
- Article 6: Design and Development Standards**
- Article 7: Stormwater Management**
- Article 9: Nonconforming Uses and Situations**
- Article 10: Enforcement**
- Article 8: Reserved for future use**

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

Sincerely,

Jacob W. Poole, Chairman  
Perry Planning Commission

JP/cs



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**STAFF REPORT 11/2/17**

**Revised 11/15/17 to include Planning Commission recommendation**

**REQUEST:** Text Amendment to Perry Land Development Ordinance

**APPLICANT:** The City of Perry

**BACKGROUND INFORMATION:** At the direction of City Council, the Community Development Staff has been working on reformatting and revising the Perry Land Development Ordinance over the past ten months. The intent of this project is to create a more user-friendly document and to ultimately update regulations. For the most part, existing regulations have only been moved to appropriate locations in the reformatted document. Over the course of this project several regulations were identified as needing immediate attention. These are identified in the project description below. Once this amendment is adopted, Staff will continue working with citizens and the development community to update regulations over the coming months.

Staff has discussed the project with and requested input from the Planning Commission over the course of this project. The Commission's advice has been incorporated in the document.

The new Article 6, Design and Development Standards, where the major revisions are located, along with new provisions for "Vehicle Sales and Services" were sent to various groups for comment in September. These groups included local architects, attorneys, builders, contractors, developers, engineers, landscape designers, and realtors. Staff received comments from four individuals: Chad Bryant of Ocmulgee, Inc.; Michael Turner of Heart of Georgia Landscaping; Burke Murph of Georgia Water and Environmental Services; and a contractor from Macon. The comments were generally supportive of the revisions, and where appropriate, were incorporated into the 10/20/17 draft of the code. Some of the comments related to sections of the code currently not being revised. The entire reformatted and revised Perry Land Development Ordinance has been available on the City's website for public review and comment since October 30, 2017.

Additionally, the City Attorney has reviewed Article 1, General Provisions; Article 9, Nonconforming Uses and Situations; and Article 10, Enforcement, for conformity with applicable Georgia statutes. Comments from this review have been incorporated into the 10/20/17 draft. The City Attorney has also approved the format of the proposed ordinance.

**PROJECT DESCRIPTION:** The proposed ordinance is reformatted into nine articles:

- Article 1: General Provisions
- Article 2: Administration
- Article 3: Establishment of Zoning Districts
- Article 4: Use Regulations
- Article 5: Measurements and Dimensional Standards
- Article 6: Design and Development Standards
- Article 7: Stormwater Management
- Article 9: Nonconforming Uses and Situations
- Article 10: Enforcement

(Note: Article 8 is reserved for future use.)

In addition to grouping similar provisions into clear divisions, the ordinance relies on the use of tables to present information in an easier-to-find format, and drawings and pictures to help illustrate specific requirements. As the ordinance continues to be revised over the coming months, the intent is to incorporate



more tables, drawings and pictures when appropriate to create a more user-friendly document. (Note: Pictures in the existing sign regulations will be included in this revision prior to adoption.)

The proposed ordinance is designed to be complimented by two additional documents:

1. Administrative Manual provides information and documents which support the regulations in the ordinance, but which do not need to be incorporated in the actual ordinance. Examples are application forms and content requirements, fee schedule, tree density tables, etc. The Administrative Manual is being compiled and will be approved by the City Manager, as described in the ordinance.
2. Design and Specifications Manual (DSM) provides the specific construction details approved for use in the City of Perry. Examples include curb and gutter details, pavement requirements, utility pipe specifications. Many of these specifications already exist but will be reviewed and modified as necessary over time. As various sections of the ordinance are revised in the coming months, certain design and specification provisions in the current ordinance will be relocated to the DSM. The Design and Specifications Manual will be approved by the Planning Commission as described in the ordinance.

Throughout the proposed ordinance various terms referring to city employees or departments, such as "Director of Community Development", "Zoning Enforcement Officer", "Building Official", and the like, have been replaced with "Administrator". "Administrator" is defined as "the person or persons designated by the city manager to interpret, implement, and enforce all or portions of this chapter." This allows duties and responsibilities to shift to different city personnel as needed without requiring a change to the ordinance.

**Article 1, General Provisions.** This article includes the purpose and intent of the ordinance, definitions, and the legal authority to adopt the ordinance, the official zoning map, and the official street map.

- The name of the ordinance is proposed as "Land Management Ordinance of the City of Perry" to reflect the complete revision (ultimately) of the Perry Land Development Ordinance.
- The language in this article is new, but incorporates all of the existing provisions.
- Various definitions are proposed to be revised, deleted or added. The definition section identifies these changes as deleted or added.

**Article 2, Administration.** This article is where the duties and responsibilities of the various decision-making bodies are found, along with the procedures for the various specific application types. This article will eventually include duties and responsibilities for all decision-making authorities, procedures common to all application types, and procedures for each specific application type. The few changes currently proposed in this article are described below.

- Section 2-1.2 Planning Commission (page 32) incorporates the language from near duplicate existing sections 20, 42, and 43 (pp 33-36). The duplicate sections are included for reference. Added duties include "prepare and approve the design and specifications manual", and will include "hear and approve, approve with conditions, or disapprove preliminary plats for subdivision".
- Reference to application filing deadlines for each of the various application types is revised with the following language: "Applications for [insert specific permit type] shall be submitted to the administrator pursuant to established application submittal schedules included in the Administrative Manual."
- Existing Section 45, Architectural and sign control board of review, (p 37) appears to be a duplicate of Section 2-1.3, Downtown Development District Board of Review.
- Existing Section 21, Community Development Department, and 40, Duties and powers of the zoning enforcement officer, (pp 37-38) are duplicates of Section 2-1.4, Duties and powers of the administrator, or are unnecessary.
- The referenced section relating to a possible fee refund for withdrawn applications (pp 40 and 48) does not exist.
- Existing Sections 33 (p 42), 34 (p 47), 47 (p 50) are duplicates.
- Procedures for a new permit type, Conditional Use Permit, are included on page 48.
- "Subdivisions not exceeding five (5) lots" (p 56) is renamed "Minor subdivisions".
- The Planning Commission recommended the administrator be given authority to approve final plats. Modifications are made to section 2-3.11.4 (pp 57-58).

- Section 2-3.12, Land disturbance permit, (pp 58-59) establishes general requirements for such permits for all projects, not just subdivisions.

**Article 3, Establishment of Zoning Districts.** This article lists the various existing zoning districts and incorporates the intent of each district from the existing code. Section 3-1, General Provisions, is new. The existing Convention Plaza District (section 81.4 of existing PLDO) is not currently used, and therefore, is proposed to be deleted.

**Article 4, Use Regulations.** You will find in this article a new Table of Uses; a new section creating "use classifications"; a section for standards relating only to specific uses; regulations for accessory uses and structures, and temporary uses and structures.

- **Table of Uses.** The new Table of Uses incorporates all uses and zoning districts, including form based code districts, in a matrix for easy-to-find information. Uses that are permitted in a district are designed with a "P"; uses that may be allowed by Special Exception Permit are designed with an "S"; uses that may be allowed by Conditional Use Permit are designed with a "C"; and uses that are not permitted in any given district are designed with a blank cell. The listed uses are more generalized than in the current ordinance. For example, rather than listing "bicycle and motorcycle stores" and "clothing, shoe, millinery, dry goods, and notion stores", these uses are categorized as "retail sales and services, all other".
- **Use Classifications.** This new section is intended to define in broad terms the various categories of uses, and provide examples of specific uses, and exceptions that are not included. This section will help the administrator make decisions about uses that are not listed or unforeseen at the time of the ordinance. The uses listed in the Table of Uses are grouped by use classification, such as "household living", "institutions", "eating establishments", among others.
- **Standards for Specific Uses.** The current PLDO includes standards that apply only to certain uses. For example, existing section 101 provides standards for Townhouses; existing section 105 includes standards only applicable to Automobile service stations. All of the existing requirements for specific uses have been incorporated in this section, and grouped according to use classification.
  - Section 4-3.2(B) (p 84) regarding Communications towers has been streamlined to address the aspects of these uses that can be regulated by the City. It includes requirements for use of public rights-of-way.
  - Section 4-3.3(C) (p 87) addresses "Casino or gambling establishment" in the event such use is allowed by state law.
  - Section 4-3.3(D) (p 87) replaces existing provisions for "Adult entertainment establishment" with "Sexually oriented business". These provisions are copied from the Greenville, SC ordinance which was recently reviewed by a legal expert on the matter.
  - Section 4-3.3(F) (p 88) establishes new standards for "Vehicle sales and services", designed to address often problematic issues inherently associated with such uses. For "Automobile sales and rental" a minimum one-acre lot size is established, and standards for the display and storage of vehicles are established. Vehicle display areas may be paved with gravel using a proposed specification for pavement type, and inclusion of a landscaped street buffer.
- **Accessory Uses and Structures.** Section 4.4 (p 89) establishes a new purpose statement and general standards for accessory uses. Standards for specific types of accessory uses and structures incorporate existing standards.
  - Distance between a principal structure and an accessory structure has been reduced from 20 feet to 10 feet to account for smaller lot sizes being developed in the City.
  - Maximum building height is established at 20 feet, but can be increased to 25 feet with a corresponding increase in setbacks.
  - Maximum floor area has been streamlined from current standards (existing section 102, pp 97 – 99). Accessory structures for residential properties are limited to 500 square feet or 50 percent of the total floor area of the principal structure, whichever is greater. Structures accessory to nonresidential and agricultural uses are limited to 10 percent of the lot area.

- Standards for fences and walls (pp 91-92) have been revised to incorporate recent revisions regarding chain-link fencing. The height of opaque fences and walls is proposed to be limited to eight feet in side and rear yards on residential properties, and 30 inches in front yards.
- Standards for Home Occupations (sec. 4-4.3(C), p 90) are revised to be more encompassing than existing. A list of uses that are prohibited as home occupations are provided for consideration. Existing standards in Section 104 (p 95) are included for comparison. Standards for "Residential Business" were not changed.
- Temporary Uses and Structures. These new provisions address a variety of situations that are not addressed in the current ordinance. General standards for all temporary uses are established, along with standards for specific temporary uses, such as seasonal sales, construction-related activities, and the use of motor vehicles, trailers and shipping containers for sales, service, storage or other business.

**Article 5, Measurements and Dimensional Standards.** This article incorporates existing standards for minimum lot size, building setbacks, standards for lots, yards and building height, as well as provisions for the Conservation Subdivision Option. Except for incorporating information in tabular format, and adding setbacks that do not exist for LC, OC, and IN districts, no changes are made to the standards.

**Article 6, Design and Development Standards.** Regulations pertaining to development standards such as parking, landscaping, exterior building design, and signs are located in this article. The standards for off-street parking and loading; landscaping, buffering, and screening; and tree protection have been revised. All other standards in this article have not changed, but will be evaluated over the coming months.

- Section 6-1, Off-Street Parking and Loading (p 113) has been revised to be more comprehensive than the existing provisions.
  - Requirement for bicycle parking has been added. (p 116)
  - Minimum parking requirements in the C-3, Central Business District, are exempted. (p 113)
  - Minimum and maximum parking requirements are listed in tabular form.
  - Schedule B gives the administrator latitude in determining required parking for uses with widely varying parking and loading demand characteristics.
  - Parking provided between the minimum and maximum parking requirement is required to meet low impact development techniques, such as pervious pavement or bioswales. (p 118)
  - Parking provided above the maximum allowed (overflow parking) must be pervious pavement. (p 118)
  - 50 percent of required parking may be turf for assembly uses where parking is used less than 5 times per week. (p 118)
  - Parking in historic districts is restricted in front yards to areas that are not turf or other landscaped areas (p 119)
  - Queuing requirements for various use types are new (p 119)
  - Provisions for shared parking and other parking alternatives are provided (pp 119-121)
- Section 6-3, Landscaping, Buffering, and Screening is fully revised from existing standards.
  - Applicability of the standards is clearly defined (p 122)
  - Maintenance provisions are new and require plants to be maintained per national standards. (p 122)
  - Plant material must be of varied species to protect against total loss due to disease and infestations (p 122-123)
  - Street tree requirements are similar to existing (p 124)
  - Interior parking lot landscaping requirements are more stringent than existing provisions. One shade tree and eight shrubs are required for each 2500 square feet of paved area. Tree islands must be installed after each row of 10 parking spaces. (p 124-125)
  - Perimeter buffers and screening requirements are revised and provide options for compliance. (pp 125-127)
  - Street buffer yards are similar to existing provisions (pp 127-128)
  - Additional screening requirements for areas of high visual impact are new, or incorporate requirements found in various sections in the current ordinance (p 128)
  - An option for alternative compliance is provided (p 128)

- Section 6-4, Tree Protection, has been fully revised to meet the needs and desires of the community to protect substantial trees, and require the planting of trees on developed properties. The section is easier to understand than the 20 pages of regulations in the current ordinance.
  - Recalculates the tree credit units per acre requirement and tree density units to require reasonable tree planting based on a barren site.
  - Tree density unit tables are relocated to the Administrative Manual.
  - Sites that save existing trees may still require additional trees, based on landscape standards.
  - The number of trees required for single-family detached dwellings and two-family dwellings is revised, based on size of lot: one shade tree for each 3000 square feet of lot area, minus building footprint, must be planted or maintained (6-4.2(B)(2), p 129).
  - Two levels of protected trees are established: Heritage Trees are 20 inches in diameter; Historic Trees are 30 inches in diameter. Replacement requirements are based on tree size. Removal of a heritage tree requires two 4-inch caliper shade trees; removal of a historic tree requires four 4-inch caliper trees.
  - Standards for protection of trees during construction are provided (p 130).

**Article 7, Stormwater Management.** This article incorporates existing standards from Article XXII, Stormwater management requirements and controls; Article XV, Soil erosion and sedimentation control; and Article XXI, Water resource protection, with no changes.

**Article 9, Nonconforming Uses and Situations.** This article establishes more comprehensive provisions for addressing nonconforming uses and nonconforming situations than in the current ordinance. Existing section 70 is provided for comparison.

- Provision for the repair, replacement, or addition to a garage or storage building accessory to a single-family dwelling which is nonconforming due to setback. This provides flexibility particularly in historic districts (9-1.4(D), p 212).
- The period of time within which a nonconforming use may be reestablished after discontinuance is reduced from one year to 180 days (9-4, p 213).
- Regulation of nonconforming signs revised and relocated to Sec. 9.5 (p 214).
- Regulation of nonconforming landscaping, buffering, and screening (Sec. 9-6, pp 214-215) is new. These provisions require improvements to landscaping based on percentage of parking lot expansion and or the percentage of a building or site where a change of use occurs. These requirements are cumulative over any five-year period.
- Regulation of nonconforming private development is relocated to Sec. 9-7 (p 215).

**Article 10, Enforcement.** A more comprehensive set of provisions for enforcement of the ordinance are provided in this article. Enforcement sections from the existing ordinance are provided for comparison.

**STAFF CONCLUSIONS:** Staff recommends approval of the text amendment.

Language to be included in subsection 2-3.9, Conditional Use Permit:

**2-3.9. Conditional use permit.**

(A) **Purpose.** Conditional uses are uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, and density and intensity of use, and usually require the imposition of conditions to ensure the appropriateness of the use at a particular location.

(B) **Authority.**

(1) **General.** The administrator is authorized to review and decide on an application for a conditional use permit pursuant to this section.

(2) **Uses authorized.** Only those uses identified as conditional uses in subsection 4-1.2, table of uses, are authorized to be considered for conditional use permits under this section. The designation of a use as a conditional use in subsection 4-1.2, table of uses, does not constitute authorization that such use shall be approved as a conditional use permit pursuant to this section. Rather, each

proposed conditional use shall be evaluated by the administrator for compliance with the standards set forth in this section, and the standards for the use in section 4-3, standards for specific uses.

- (C) Procedure.
- (1) Initial submission of application and staff review. Application for conditional use permit shall be submitted in the form established by the administrator.
  - (2) Review and action by administrator. The administrator shall review and take action on the application consistent with the procedures and requirements of subsection 2-1.4, duties and powers of the administrator.
- (D) Standards. A conditional use permit shall be approved only upon a finding that the applicant has demonstrated all of the following standards are met:
- (1) Complies with use specific regulations. The proposal must comply with the goals, policies, and standards of this chapter and, in particular, with the standards in section 4-3, standard for specific uses.
  - (2) Facilities and services. There is adequate infrastructure capacity available to serve the proposed conditional use (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).
- (E) Conditions of approval. In approving a conditional use permit, the administrator may impose restrictions and conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as are required to ensure compliance with the general goals and policies of this chapter or with particular standards of this chapter to prevent or minimize adverse effects from the proposed development on surrounding lands. The restrictions and conditions imposed must be related in both type and scale to the impact that the proposed development would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the permit approval.
- (F) Inspection. Upon completion of the development authorized by the permit, the applicant shall contact the administrator to inspect and verify compliance with the provisions of the ordinance and the conditions of the permit.
- (G) Effect. Issuance of a conditional use permit shall authorize only the particular conditional use that is approved in the permit. Unless limited by a condition of approval, a conditional use permit, including any conditions, shall run with the land and not be affected by a change in ownership.
- (H) Expiration. The administrator may prescribe a time limit within which the activity authorized by the permit shall begin or be completed, or both.
- (I) Appeal. An applicant may appeal the decision of the administrator with respect to the issuance of a conditional use permit pursuant to the provisions of subsection 2-3.7.
- (J) Amendment. A conditional use permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.



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Department of Community Development

**Public Hearing**  
**Dec. 5, 2017**  
**Tuesday @ 6:00 PM**

November 17, 2017

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

**Re: Special Exception Application #SE-17-05**  
**316 Flowing Meadows Drive, Kathleen**  
**Tax Map #P64-12**

Dear Mayor and Council:

On November 13, 2017 the Perry Planning Commission reviewed the above referenced petition for a special exception request as submitted by Ms. Aliya Jenkins.

The request was for a special exception to allow a residential business.

The Perry Planning Commission recommended approval of the application as submitted with the following conditions: 1). The special exception shall be limited to residential business as a beauty salon; 2) the exception shall be limited to the applicant (Aliya Jenkins) and is not transferable; 3) the applicant shall comply with Section 104 of the PLDO; and 4) no sign advertising the business shall be posted or displayed on the property.

Sincerely,



Jacob W. Poole, Chairman  
Perry Planning Commission

JWP/cs



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**STAFF REPORT 10/31/17**

**CASE NUMBER:** S-17-05  
**APPLICANT:** Aliya Jenkins  
**REQUEST:** A Special Exception to allow a 'Residential Business'  
**LOCATION:** 316 Flowing Meadows Drive; Tax Map No. P64-12

**ADJACENT ZONING/LAND USES:**

Subject Parcel: Zoned PUD; Single-Family Residential use  
North: PUD; Single-Family Residential use  
South: PUD; Single-family Residential use  
East: PUD; Single-family Residential use  
West: PUD; Single-family Residential use

**REQUEST ANALYSIS:** The applicant requests a special exception for a residential business operating "hair care" or beauty salon. The applicant indicates in a separate email, attached, that she will be the only employee and will have 1-2 clients per month. Hours of operation are 8:00 am to 11:00 pm depending on how long it takes to complete the clients' hair.

Staff has heard from neighbors that there are more persons working at the house than just the applicant and there are more than 1-2 clients per month. The Commission should have the applicant provide an accurate representation of the business operations.

**STANDARDS FOR SPECIAL EXCEPTIONS:**

1. *Does the Special Exception follow the existing land use pattern?* The surrounding area consists of single-family residential uses. The conditions established for Home Occupations in general and Residential Businesses specifically are intended to maintain the residential use and character of the property.
2. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The Character Areas Map of the 2017 Joint Comprehensive Plan identifies the property as 'Suburban Residential'.
3. *Will adequate fire and police protection be available?* The additional use of the property for a residential business has no impact on existing fire and police protection.
4. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* The conditions established in Section 104 of the Perry Land Development Ordinance (included below) for Home Occupations in general and Residential Businesses specifically are intended to maintain the residential use and character of the property.
5. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The applicant should provide information regarding the number of clients that will visit the house at any given time and discuss how parking is provided.

6. **Will the use result in an increase in population density overtaxing public facilities?** The principal use of the property will remain residential. There will be no impact on public facilities.
7. **Will the use create a health hazard or public nuisance?** The conditions established in Section 104 of the Perry Land Development Ordinance for Home Occupations in general and Residential Businesses specifically are intended to maintain the residential use and character of the property.
8. **Will property values in adjacent areas be adversely affected?** Property values of adjacent areas should not be adversely impacted, provided the conditions of Section 104 of the Ordinance are adhered to.
9. **Are there substantial reasons a permitted use cannot be used at this property?** Residential use is permitted on the property.

**STAFF CONCLUSIONS:** Staff questions the completeness of the information provided by the applicant regarding the business operations, and believes the Commission should request clarification. Provided the Commission determines the application complies with the criteria listed below, Staff would recommend the following conditions:

1. The Special Exception shall be limited to a Residential Business conducted as a beauty salon;
2. The Special Exception shall be limited to the applicant, Aliya Jenkins, and is not transferrable;
3. The applicant shall comply with the provisions of Section 104 of the Perry Land Development Ordinance, all applicable local, state and federal laws and regulations; and
4. No sign advertising the business shall be posted or displayed on the property.

#### **Section 104. - Home occupations.**

**104.1. Intent.** Regulations for home occupations are intended to provide categories of use such that permitted home occupations can be better matched to the character of the zoning district in which they are allowed. The term home occupation is understood to mean all categories of home occupations, both home offices and residential businesses.

- (1) Home occupations shall be subject to the conditions set forth below. The applicant for approval to conduct a home occupation shall bear the burden of providing conclusive evidence to the Planning Commission that these conditions have been met. The Planning Commission may modify the conditions listed below to be more restrictive, or place additional conditions, which are more restrictive than those listed below on any approval, granted the applicant.
- (2) If the home occupation is approved, the applicant is responsible for the operation of the said home occupation in conformance with these conditions. The applicant shall submit a written description of the proposed home occupation demonstrating that it will comply with each of the conditions applicable for the specific type of occupation.
- (3) The business must be owned by the owner of the property on which the home occupation is located, or the business owner must have written approval of the owner of the property if the applicant is a tenant.
- (4) The home occupation and dwelling unit shall comply with all applicable building and fire codes.
- (5) No more than one home occupation is allowed in a residence at one time.

**104.2. Home Office.** A home office is an office, business or profession conducted entirely within a dwelling which is carried on by an occupant thereof and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes and which fully complies with the following standards:

- (1) A home office may be maintained for a business conducted away from the home, as long as the home office complies with all other requirements of this section.
- (2) Home offices shall not include the repair and/or maintenance of motor vehicles, large-scale manufacturing or any use which may endanger the health, safety or welfare of the neighborhood.
- (3) No use that creates noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit is permitted.
- (4) The home office shall not allow customers or clients to come to the premises.



- (5) Home offices shall be limited to no more than twenty-five (25) percent of the total heated floor area of the residence.
- (6) There will be no changes, which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes.
- (7) No outside storage or display is permitted.
- (8) No one other than family members who reside on the premises may be employed in the office.
- (9) One (1) business vehicle used exclusively by the resident is permitted. The vehicle shall be no larger in size than a pick-up truck panel truck or van and is limited in size to one and one-half-ton carrying capacity.
- (10) Pickups and deliveries to the site related to the office shall be restricted to vehicles having no more than two (2) axles and shall be restricted to no more than two (2) pickups or deliveries per day.

**104.3. Residential business.** Residential businesses are small offices or small-scale retail or service businesses which are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, and which fully comply with the following standards:

- (1) Residential businesses may include but are not limited to beauty shops, barber shops, professional offices and minor repair shops.
- (2) Residential businesses shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing or any use, which will create noise, noxious odors, or any hazard that may endanger the health, safety or welfare of the neighborhood.
- (3) The residential business shall not involve group instruction or group assembly of people on the premises.
- (4) The business or profession must be conducted entirely within the dwelling.
- (5) The dwelling must be the bona fide residence of the principal practitioner at the time of the application and, if approved, the residential business shall be valid only as long as the principal practitioner resides in the dwelling, is conducting business and has a current business certificate.
- (6) Residential businesses shall be limited to no more than thirty-five (35) percent of the total heated floor area of the residence.
- (7) There will be no changes, which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes.
- (8) The portion of the residence in which the business is conducted shall be completely enclosed in a manner that the business is not visible from the surrounding property.
- (9) No outside storage is allowed.
- (10) The Planning Commission may place any reasonable conditions on the application deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties.
- (11) Property on which the residential business is proposed must have frontage on a public road.
- (12) Parking for customers/clients must be provided on site as stipulated in Section 71 of this ordinance. The location of the parking shall be approved by the Planning Commission.
- (13) Days and hours of operation requiring access by the public, customers and/or clients shall be Monday through Saturday, between the hours of 7:00 a.m. and 9:00 p.m.
- (14) The principal practitioner shall be permitted to park one commercial vehicle in the approved parking area. The commercial vehicle is limited to a passenger car, van or light truck of up to one and one-half-ton carrying capacity.
- (15) Any utility trailer needed for the orderly operation of the business must be specifically requested and approved by the Planning Commission. The request must include the proposed use and size of the trailer.



Where Georgia comes together.

Application # SE-17-05

**Application for Special Exception**  
Contact Community Development (478) 988-2720

**Applicant/Owner Information**

\*Indicates Required Field

	Applicant	Property Owner
*Name	Atiya Jenkins	Aaron Brickland
*Title		
*Address	316 Flaming Meadows Dr, Kathleen	
*Phone	(850) 510-1804	
*Email	Dvivevators@icloud.com	

**Property Information**

*Street Address	316 Flaming meadows Dr	
*Tax Map #(s)	164-12	*Zoning Designation P.U.D.

**Request**

\*Please describe the proposed use:  
Home based hair care

**Instructions**

1. The application and \$80.00 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.
  2. 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 special exception). See Sections 32, 34, and 172 of the Perry Land Development Ordinance (PLDO) for more information. You may include additional pages when describing the use and addressing the standards.
  3. For applications in which a new building, building addition and/or site modifications are required, you must submit a scaled drawing of the proposed site development plan.
  4. 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.
  5. Special Exception 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.
  6. Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
  7. An application for special exception affecting the same parcel shall not be submitted more often than once every six months.
  8. The applicant must be present at the hearings to present the application and answer questions that may arise.
  9. 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
- If yes, please complete and submit the attached Disclosure Form.

10. 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.

11. Signatures:

*Applicant		*Date	5/20/17
*Property Owner/Authorized Agent		*Date	

**Standards for Granting a Special Exception**

1. Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?
2. Describe the existing land use pattern surrounding the subject property.
3. Describe how the proposed use will not have an adverse effect on the Comprehensive Plan.
4. Describe how any proposed structures, equipment or materials will be readily accessible for fire and police protection.
5. Describe how the proposed use will be of such size, location, and character that it will generally be in harmony with appropriate and orderly development of the surrounding area and adjacent properties, and will not be a detriment to uses permitted on adjacent properties. (Consider the location and height of buildings and other structures, and the extent of landscaping, screening and buffering.)
6. For uses to be located in or adjacent to a residential district, describe how the nature and intensity of the operations of the proposed use will not negatively impact pedestrian and vehicular traffic in the district.
7. Describe how the proposed use will not place an undue burden upon public facilities and services.
8. Describe how the proposed use will not create health and safety problems, and will not create a nuisance with regard to traffic congestion, drainage, noise, smoke, odor, electrical interference, or pollution.
9. Describe how the proposed use will not adversely impact the value of surrounding properties.
10. State the reasons why the subject property cannot be used for a use permitted in the zoning district in which it is located.

Created 6/30/2017

**For Office Use**

Date received	Fee paid	Date deemed complete	Public Notice Sign	Legal Ad.	
10/5/17	\$8000	10/5/17	by 10/27/17	Send 11/8 - Run	11/15/17
Notice to Applicant	Routed to PC	Date of PC	Date of Public Hearing	Date of Council action	Notice of action
		11/13/17	12/5/17		

## Community Development

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**From:** Bryan Wood <bryan.wood@perry-ga.gov>  
**Sent:** Wednesday, November 01, 2017 10:02 AM  
**To:** comm.development@perry-ga.gov  
**Subject:** Fwd: DivaLiya's Locs of Love

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

**From:** Aliya Jenkins <[divinedivalocs@icloud.com](mailto:divinedivalocs@icloud.com)>  
**To:** [bryan.wood@perry-ga.gov](mailto:bryan.wood@perry-ga.gov)  
**Date:** October 31, 2017 at 3:06 PM  
**Subject:** DivaLiya's Locs of Love

Hi Mr. Wood! Sorry I missed your call! I was unloading my truck from a shopping trip. The info on my business is below:

It will be myself only working. I will only have 1-2 clients per month. My hrs of operation are as needed but when I have a client it's from 0800-2300; depending upon how long it takes to complete the clients hair.

Please let me know if you need anything else!

~Aliya

 DivaLiya's Locs of Love  

**RESIDENTIAL LEASE AGREEMENT ADDENDUM:  
HOME BASED BUSINESS ADDENDUM**

Date: 28 MAY 2017

Landlord: HOPE HOMES HOUSING SERVICES, LLC

Tenant: ALIYA JENKINS

Address of Leased Premises: 316 FLOWING MEADOWS DRIVE, KATHLEEN, GA 31047

This Home Based Business Addendum is attached to and becomes a part of the Residential Lease Agreement on the property referenced above.

1. **Conditional Authorization for a Home Based Business.** Resident may conduct the home based business described below, in accordance with state/local laws and regulations governing the conduct of home based businesses until the Lease terminates. Owner may terminate this Conditional Authorization prior to Lease termination if Resident's right of occupancy is lawfully terminated or if, in Owner's judgement, Resident, Occupant, or guest violates any of the rules of this Lease or Home Based Business Addendum. Owner's granting of permission is not a warranty that the Premises are suitable for the conduct of Resident's business or that Resident has complied with all requirements.

2. **Description of the Business.** The Resident may conduct only the business described below:  
HAIR, BEAUTY, AND COSMETOLOGY SERVICES

3. **Home Based Business Rules.** Resident agrees to abide by these rules:

- a. Resident is responsible for obtaining the necessary permissions, licenses, and insurance.
- b. Resident is responsible for any damages to third parties arising from the conduct of the Resident's business.
- c. The business is required to comply with and is subject to inspection by the appropriate city, county, state or federal agency, office or department for compliance with applicable laws, codes, regulations, and requirements.
- d. Resident will abide by HOA policies/guidelines with regards to door-to-door soliciting, marketing, and advertising on the premises and within the Neighborhood.

4. **Additional Rules.** Owner has the right to make reasonable changes to the rules affecting the Home Based Business Addendum as deemed necessary. A written copy of any change will be provided to the Resident who is currently authorized to conduct the home based business.

5. **Violation of Rules.** If Resident, Occupant, or guest, in Owner's judgment violates any rule or provisions of the Lease Agreement or Home Based Business Addendum, Owner may provide Resident written notice of said violation, and:

- a. Issue a warning concerning the ramifications of further violations;
- b. Direct temporary cessation of business pending review; or,
- c. Revoke this Conditional Authorization.

If notified to temporarily or permanently cease operations, Resident must cease promptly in accordance with the notification. Violations include, but are not limited to, receipt of reasonable

OWNER INITIALS AS

TENANT INITIALS AJ JJ

complaints, as determined by Owner, that the business is disturbing other residents, or creating an inappropriate environment within the Community. Owner also has all other rights and remedies set forth in the Lease and this Home Based Business Addendum, including damages, eviction, and attorney's fees to the extent allowed by the law.

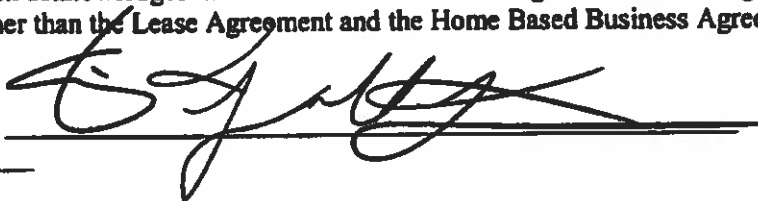
6. **Liability for Damages, Injuries, Cleaning, Etc.** Resident is liable for the entire amount of all damages caused by the conduct of the home based business, including wear and tear beyond that expected in a family domicile. This provision applies to all parts of the Premises, including carpets, doors, walls, windows, screens, appliances, as well as lawns, landscaping, and other outside improvements. Items that cannot be satisfactorily cleaned or repaired will be replaced in their entirety at Resident's expense. Payment for damages, repairs, cleaning, replacements, etc. are due within 30 days of demand.

Resident shall defend, indemnify, and hold Owner harmless from loss, cost, damage, injury, and the claims by others relating to Resident's home business, including but not limited to, all costs of litigation and attorney's fees resulting from any such damage.

7. **Liability Not Limited.** Approval of this Home Based Business Addendum does not limit Resident's liability for property damages, cleaning, replacements, or personal injuries resulting from conduct of the approved business.

8. **General.** The Resident acknowledges that no other oral or written agreement exists regarding the home based business other than the Lease Agreement and the Home Based Business Agreement.

RESIDENT'S Signature \_\_\_\_\_  
Date 28 May 17

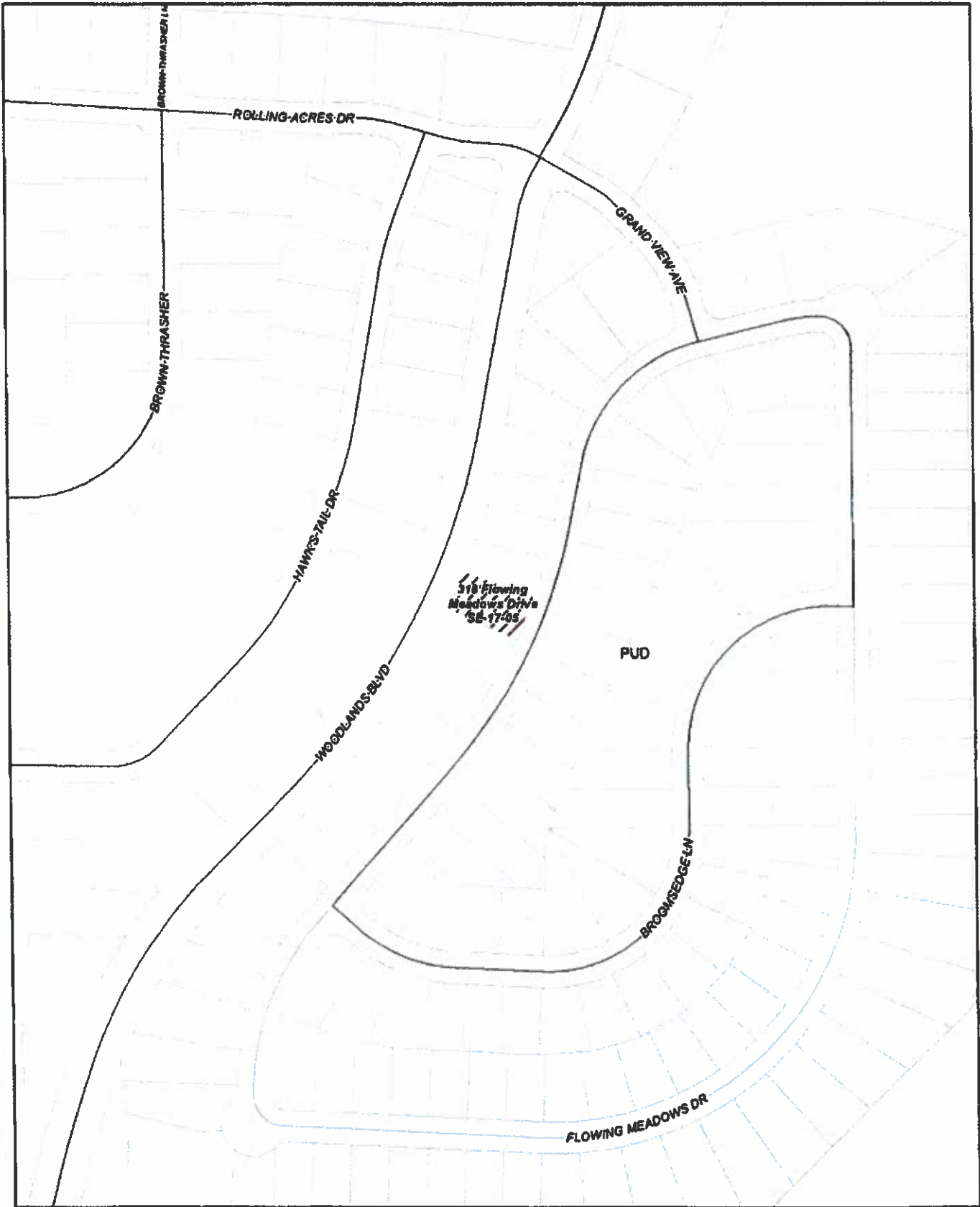


OWNER'S or Agent's Signature \_\_\_\_\_  
Date 28 May 17

*Aaren H. Strickland*

OWNER INITIALS AS

TENANT INITIALS AJJ



**Legend**

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



1 inch = 200 feet



City of Perry Zoning Review

Case: SE-17-05



**MINUTES**  
**WORK SESSION MEETING**  
**OF THE PERRY CITY COUNCIL**  
November 20, 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 20, 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 and Willie King.

Elected Official Absent: Council Members Randall Walker and Robert Jones

Staff: City Manager Lee Gilmour, Attorney Matthew Hulbert and Recording Clerk, Nancy Graham

City Departmental Staffing: Chief Steve Lynn – Police Department, Bryan Wood – Director of Community Development, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, and Kevin Dye – Director of Leisure Services.

Guest(s)/Speaker(s): Mr. David Tucker and Mr. Tracy Hester

Press: Mr. Vic Powell, Houston Home Journal

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

3a. Appearance(s):

1. Impact of sale/closing of golf course on surrounding property – Mr. David Tucker: Mr. Tucker provided a letter that he received from the owner of the golf course relative to the possible closing of the golf course and development of the property as a subdivision. Mr. Tucker expressed his concern of the impact would have on the surrounding property and the City. Mr. Tucker asked if there was anything the City could do to keep the business open. Mr. Tucker was advised that the City was not in that type of business.

It was the consensus of Council that they had no interest in getting involved.

3b. Leisure Services Department:

1. NFC Grant Application request – Mr. K. Dye: Mr. Dye presented to Council for consideration a grant opportunity to build an outdoor fitness court in



Perry. He noted that Creekwood Park currently has the available space for this type of amenity on the obsolete tennis court site. Council viewed a video that showed the design and advantages of an outdoor fitness court as well as what the City's investment would be to build an outdoor fitness court.

Council discussed the improvements that are already planned for Creekwood Park. After discussion of the outdoor fitness court, it was the consensus of Council to take under advisement and put in the concept plan for future development.

3c. Administration:

1. Consider transporting animals from Perry Animal Shelter – Mr. L. Gilmour: Mr. Gilmour referred to the November 9, 2017 memo which outlined issues with the current agreement between the City and FOPAS relative to transporting animals from the Perry Animal Shelter. It was the consensus of Council to move forward with a modified animal retention policy to allow a licensed group to transport animals subject to a written agreement between the organization and the City under the conditions discussed and outlined in the November 15, 2017 memo provided.
2. City employees on boards, etc. – Mr. L. Gilmour: Mr. Gilmour advised that after a review of the City's personnel policy, there is no discussion relative to an appointment of a City employee to a City or joint appointment authority, board or commission. Administration reviewed the November 15, 2017 memo which outlined certain points to be considered if a City employee is appointed. After discussion, it was the consensus of Council that City employees are prohibited from being appointed to serve on a city or joint appointment authority, board or commission. Administration will prepare a policy for tomorrow's City Council meeting for adoption.
3. 2018 Council meetings calendar – Mayor Faircloth: Mayor Faircloth asked Council to bring their calendar to the next work session meeting for planning around holidays and other potential conflicts of regularly scheduled meetings.
4. Discussion of Perry Housing Authority appointment – Mayor Faircloth: Mayor Faircloth advised that there is a need for a replacement for Mr. Penrose Wolf as he will resign the end of this year. Mayor Faircloth asked Council to contact him if they have an appointee to the Perry Housing Authority.
5. Walk with Mayor and Council in District 2 on November 28, 2017 – Mayor Faircloth: Mayor Faircloth advised that the Walk with Mayor and Council in District 2 is November 28, 2017 at 5:00 p.m. instead of 5:30p.m.
6. Public Problems, Democratic Decisions – Council Members Bynum-Grace and King: It was agreed that this item would be postponed until the next work session meeting.

7. Amending City's assistance program – Mr. L. Gilmour: Mr. Gilmour recommended to Council to approve adding the monthly base charge to the City's Seniors/Disabled Financial Assistance Program. The base charge will be for the water and/or gas. It was the consensus of Council to proceed with amending the City's Seniors/Disabled Financial Assistance Program as discussed.
8. Update on Jointly Owned Natural Gas capital expansion – Mayor Faircloth and Mayor Pro Tempore Jackson: As a result of a meeting attended by Mayor Faircloth and Mayor Pro Tempore Jackson, Mayor Faircloth gave a detailed presentation which updated Council on Jointly Owned Natural Gas capital expansion.

Mayor Faircloth encouraged Council to take all the information presented under advisement.

3d. Community Development Department

1. Consider adding an additional building inspector position - Mr. B. Wood: Mr. Wood advised that the increased workload is creating a need to hire an additional building inspector. It was the consensus of Council to move forward with hiring an additional building inspector. Mayor Faircloth directed that this item be placed on tomorrow's agenda for a vote.

Mr. Wood and Mr. Hester presented to Council for consideration a list of requirements that will be given to a developer. Included as a new item, is a site plan. These requirements will go into effect January 1, 2018.

It was the consensus of Council to proceed with the requirements as presented.

Mr. Wood also noted that effective January 1, 2018, subject to adoption by Council, the Planning Commission would no longer be part of final plan approval process. It will be delegated to staff.

4. Council Member Items:

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

Mr. Gilmour asked for Council's concurrence to advance 185 hours of sick leave to an employee who is out on a workers' compensation injury and has used all their leave and sick time. It was the consensus of Council to proceed with the advancement.

Assistant City Attorney Matthew Hulbert had no report.

Chief Lynn left at 6:30 p.m.

5. Department Heads Items:

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

Chief Parker advised that the investigation of the fire at the Perry FFA pig barn is completed and it was concluded that the cause of the fire is undetermined.

6. Adjournment: There being no further business to come before Council at the work session meeting held November 20, 2017 Council Member King motioned to adjourn the meeting at 6:35 p.m.; Council Member Hunt seconded the motion and it carried unanimously.

**MINUTES**  
**PRE COUNCIL MEETING**  
**OF THE PERRY CITY COUNCIL**  
**November 21, 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 21, 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, Randall Walker, and Willie King.

Elected Official(s) Absent: Council Member Robert Jones

City Staff: City Manager Lee Gilmour, Assistant City Attorney Matthew Hulbert, and Recording Clerk, Cyndi Houser.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Battalion Chief Robbie Rowell – Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Kevin Dye – Director of Leisure Services, and Chad McMurrian – Lead Engineering Technician.

Guests: None

Media: Vic Powell – Houston Home Journal

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

3a. Discussion of November 21, 2017 council meeting agenda.

8a.(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. Owner is requesting access to sewer and the back of the property abuts Perry city limits. The Planning Commission recommended approval.

8a.(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. The Planning Commission recommended approval. Mr. Gilmour suggested adding the condition that if the owner(s)/successors fail to pay all City charges that the water provided by the County will be terminated.

10a.(1) Resolution to amend personnel policy to restrict City employees from being appointed to various boards, commissions, etc. Administration recommended approval.

10a.(2) Authorize establishment of building inspector position in the Department of community Development. Administration recommended approval based on the information provided by Mr. Wood and Mr. Hester.

10b.(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. King explained this was a recommendation from the Hotel/Motel Tax audit to adopt a model ordinance to put all the information in one location.

10b.(2) First Reading of an ordinance amending the Perry Code by adding a subsection to Section 22-24 Collection and Disposal of Solid Waste. This will authorize adding a requirement to screen and place dumpsters on hard surfaces. Council Member Walker requested a time frame be added.

10b.(3) First Reading of an ordinance to amend FY17 Operating Budget. Mr. Gilmour advised this is the final amendment based on the audit of the operating budget.

10c.(1) Resolution for approval of GEFA loan to finance new water plant and wells. Ms. King advised the City was approved for a \$7.8 million dollar loan for twenty (20) years and Council must authorize certain officials to sign the necessary documents.

10c.(2) Resolution approving the CDBG Policies and Procedures. Administration recommended approval for this requirement to accept CDBG funds.

10c.(3) Resolution accepting the maintenance of certain infrastructure at Lake Forest Phase 1. Mr. McMurrin stated three streets in the Lake Forest subdivision had been inspected and approved. Staff recommended approval.

10d. Award of Bid 2018-15 Mini Excavator. Ms. King advised this item was approved in the 2018 budget and will be used by the gas department. Staff recommended awarding the bid to MacKinnon Equipment Company, Tifton, Georgia, for \$34,986.81.

10e.(1) Request from Perry Ministerial Association for their annual Christmas at the Square on December 3, 2017 at 5:30 pm. Chief Lynn advised this annual event was requesting the same street closures as in the past and no businesses would be affected. The department recommended approval.

10e.(2) Request from Perry Public Arts Commission for its 5<sup>th</sup> Annual Buzzard Drop on December 31, 2107 from 7 pm until 1 am. Chief Lynn stated the requested street closures would not affect businesses around the square as the

event will take place on Sunday evening. The department recommended approval of the special event application, street closures and the special event alcohol permit.

11a. Recommendation for a Letter of Credit for Charles Gray Boulevard. Mr. McMurrian presented the recommendation from Ocmulgee Engineering to request a Letter of Credit from a logging company wishing to use this residential road. After a brief discussion regarding safety concerns and the strength of the roadway for logging trucks, Council concurred to table the item until Assistant City Attorney Hulbert could do more research.

4. Council Member Items:

Council Member King inquired about a leak on Martin Luther King Drive which is going across the road, but has an orange cone. Administration will check on the repair schedule for this area.

Council Member Bynum-Grace requested a list of acceptable places for selling produce, etc. She was also advised vendors must also have the permission of the property owners.

Council Member Hunt asked about the status of the access road off Thompson Road. Mayor Faircloth advised Robbie Dunbar has met with affected property owners several times and the property owners are working on an acceptable route.

Mayor Pro Tempore Jackson and Council Member Walker had no reports.

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

5. Department Head Items:

Ms. King, Mr. Wood, Battalion Chief Rowell, Chief Lynn, Mr. Dye and Mr. McMurrian had no reports.

6. Adjourn: There being no further business to come before Council in the pre council meeting held November 21, 2017 Council Member Walker motioned to adjourn the meeting at 5:29 p.m.; Council Member Bynum-Grace seconded the motion and it carried unanimously.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**November 21 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 21, 2017 at 6:00 p.m.

2. Roll.

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

Elected Official(s) Absent: Council Member Robert Jones

Staff: City Manager Lee Gilmour, Assistant City Attorney Matthew Hulbert, and Cyndi Houser, Recording Clerk

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Battalion Chief – Fire and Emergency Services Department, Bryan Wood – Director of Community Development, Kevin Dye – Leisure Services Director and Chad McMurrian– Lead Engineering Technician.

Guest(s)/Speaker(s): Nick Ausman, Tim Lowrimore, Harry Koryzma, Meagan Black, and Wade Flint – Interfor – United State South; Davis Cosey, Faris Brown, Ron Johnson, Margret Stalnecker and Lynn Gibbs – FOPAS, Penrose Wolf, Ed Beckham, and Toya Harris – Perry Housing Authority; Michelle Rhoades, Downtown Perry Merchants Association; Adrian Wood and Laura Meadows – Georgia Department of Community Affairs; and Cub Scouts Sebastian Howard and Kaleb Jones

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

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

Council Member King rendered the invocation and Cub Scouts Sebastian Howard and Kaleb Jones of Pack 419 led the pledge of allegiance to the flag.

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

\* Proclamation Recognizing Small Business Saturday – Mayor Faircloth

Mayor Faircloth presented a proclamation to Ms. Rhoades, representing Downtown Perry Merchants Association, recognizing all the contributions made by small businesses to our local economy and declaring November 25<sup>th</sup> Small Business Saturday.

- \* Presentation to Mr. Penrose Wolf – Mr. Ed Beckham and Mayor Faircloth

Mr. Beckham and Mayor Faircloth presented a plaque to honor Mr. Wolf for his nine years of service on the Perry Housing Authority Commission. Mr. Wolf has stepped down from the board.

- \* Presentation of PlanFirst Award – Ms. Adrian Wood, Georgia Department of Community Affairs

Mayor Faircloth accepted a PlanFirst award on behalf of the City from Ms. Wood. Ms. Wood noted that of the fourteen (14) applicants, Perry was one of three that did not require a site visit because of the completeness of the application. The award is for three (3) years, allows a lower percentage rate on GEFA loans and a presentation will also take place in Atlanta in January.

- \* Interfor donation of Property – Mr. Nick Ausman

Mr. Nick Ausman, General Manager of Interfor – United States South, announced that the company has donated land to the City of Perry which will extend the trail from Rotary Park to Georgia National Fairgrounds. Mayor Faircloth accepted the donation on behalf of the City and expressed his gratefulness for Interfor's willingness to be a part of the community.

- \* United Way Campaign - Ms. Cynthia Houser

Ms. Houser reported that pledges and donations for the 2018 campaign exceeded last year by almost \$500. Employees donating a minimum of \$52 were offered the choice of wearing jeans/sneakers on Fridays or entering a drawing for a \$100 gift card. Ms. Brenda King was the name drawn by Mayor Faircloth.

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

5a. Appointment to the Perry-Houston County Airport Authority

5b. Appointment to the Perry Housing Authority

No appointments were made to the Perry-Houston County Airport Authority or the Perry Housing Authority. Mayor Faircloth asked that these items remain on the agenda until appointments are made.

6. Citizens with Input.

Mr. Davis Cosey spoke on behalf of FOPAS and the cooperation between the City's animal shelter and his organization. He expressed a desire, however, to re-evaluate the newest policy adopted by Council and consider tweaking some of the items. He also hoped that the County and all the cities could adopt a single county-wide program.

Ms. Faris Brown – thanked FOPAS for all they have done since their inception.



Mr. Ron Johnson – urged other citizens to volunteer as he does and has since moving to the community a few months ago.

Ms. Margret Stalnecker – thanked FOPAS for all their hard work.

Ms. Lynn Gibbs – asked Council to review the current animal retention policy and procedures to make the flow easier for both sides.

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.

Mayor Pro Tempore Jackson motioned to accept the minutes as submitted; Council Member Hunt seconded the motion, and the motion carried unanimously with Council Member Walker abstaining for the November 7, 2017 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

Adopted Ordinance No. 2017 -21 rezoning property consisting of 7.73 acres from Houston County R-AG to City of Perry R-AG, Single Family Residential District. Mr. Wood explained the property owner is requesting rezoning in order to connect to utilities. Planning Commission recommended approval. Council Member Walker moved to approve as submitted; Council Member King seconded and the motion passed unanimously. *(Ordinance 2017-21 has been entered into the City’s official book of record.)*

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

Adopted Ordinance No. 2017 -22 annexing property consisting of 7.73 acres from Houston County R-AG to City of Perry R-AG, Single Family Residential District. Mr. Wood presented for Council’s consideration an ordinance annexing 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. Council Member King moved to approve the

annexation with the condition that the owners/renters/successors agree that failure to pay all charges to the City will authorize the water provider to terminate service. Council Member Walker seconded the motion and it carried unanimously. (*Ordinance 2017-22 has been entered into the City's official book of record.*)

9. 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

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

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

1. Resolution to amend the personnel policy to restrict City employees from being appointed to various boards, commissions, etc. – Mr. L. Gilmour

Adopted Resolution No. 2017-52 amending the City's Personnel Policy restricting City employees from being appointed to various boards, commissions, etc. Mr. Gilmour presented for Council's consideration, a resolution amending the City's personnel policy to restrict City employees from being appointed to various boards, commissions, etc. Council Member Walker motioned to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. (*Resolution No. 2017-52 has been entered into the City's official book of record.*)

2. Authorize establishment of building inspector position in the Department of Community Development. – Mr. Gilmour  
Mr. Wood explained that with the increase in building permits, there is not enough staff to perform inspections in a timely manner. Mr. Gilmour advised there is sufficient funding for the position. Council Member Hunt moved to authorize the establishment of a building inspector position in the Department of Community Development. Council Member Walker seconded and it carried unanimously.

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

1. **First Reading** of an 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. 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 FY17 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

Adopted Resolution No. 2017-53 approving the GEFA loan to finance a new water plant and wells. Ms. King presented for Council's consideration, a resolution approving the \$7.8 million loan from GEFA to finance a new water plant and wells and authorize certain officials to sign the necessary documents. Mr. Gilmour reminded Council that with the PlanFirst award, the City would be eligible for a reduction in the interest rate. Council Member Bynum-Grace motioned to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. *(Resolution No. 2017-53 has been entered into the City's official book of record.)*

2. Resolution approving the CDBG Policies and Procedures – Mr. L. Gilmour

Adopted Resolution No. 2017-54 approving the CDBG Policies and Procedures. Mr. Gilmour King presented for Council's consideration, a resolution approving the CDBG Policies and Procedures which is a requirement when accepting CDBG funds. Council Member King moved to adopt the resolution approving the CDBG Policies and Procedures as presented. Mayor Pro Tempore Jackson seconded the motion and it carried unanimously. *(Resolution No. 2017-54 has been entered into the City's official book of record.)*

3. Resolution accepting the maintenance of certain infrastructure at Lake Forest Phase 1 – Mr. C. McMurrian.

Adopted Resolution No. 2017-55 accepting the maintenance of certain infrastructure at Lake forest Phase 1. Mr. McMurrian presented for Council's consideration a resolution accepting the maintenance of certain infrastructure at Lake Forest Phase 1. Council Member Hunt moved to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. *(Resolution No. 2017-55 has been entered into the City's official book of record.)*

10d. Award of Bid(s):

1. Bid No. 2018-015 Mini-Excavator – Ms. B. King

Bid No. 2018-15 Mini-Excavator. Ms. King presented for Council's consideration a bid for a mini excavator for the gas department. Staff reviewed the bids and recommended awarding to the low qualified bidder, McKinnon Equipment, Tifton, Georgia for \$34,986.81. The item is a part of the 2018 operating budget. Council Member Walker motioned to accept staff's recommendation to award Bid No. 2018-15 to McKinnon Equipment for \$34,986.81. Council Member King seconded the motion and it carried unanimously.

10e. Special Events Application(s)

1. Approval for the Perry Ministerial Association for its annual Christmas at the Square event – Chief S. Lynn.

Chief Lynn stated this is an annual event which will take place on December 3 from 5:30-7:00 pm and will include street closures on Carroll Street between Jernigan and Washington Streets and Ball Street between Commerce and Main Streets. No businesses will be affected because they are closed on Sunday afternoons. Council Member Bynum-Grace moved to approve the event and street closures; Council Member King seconded and it carried unanimously.

2. Approval for the 5<sup>th</sup> Annual Buzzard Drop on December 31, 2017 from 7 pm to 1 am – Chief S. Lynn

Chief Lynn stated this event is being sponsored by the Perry Public Arts Commission and will be held on the square with food and alcohol vendors. This will not be a BYOB event and there will only be one alcohol vendor. The street closures requested were around the square and included:

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, and Jernigan Street/Carroll Street/Commerce Street. Council Member Walker moved to approve the event and the street closures; Council Member Hunt seconded the motion and it carried unanimously.

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

- 11a. Recommendation of a Letter of Credit for Charles Gray Boulevard – Mr. C. McMurrian

Council discussed this item in the pre council meeting and requested more information. Council Member Hunt moved to table the item until reviewed by the City Attorney's office; Council Member King seconded and it carried unanimously.

12. Council Members Items. None

13. Department Heads/Staff Items:

Chief Lynn reported the movie scenes shot in Perry had been completed and there were no incidents.

Mr. Wood announced there will be a public hearing at the December 5, 2017 Council meeting regarding the changes in the Perry Land Development Ordinance (PLDO) and that Small Business Saturday is November 25<sup>th</sup> from 10 am – 4 pm in downtown Perry.

Mr. Dye stated the Perry Public Arts Commission will be hosting a “Festival of Trees” at the Perry Visitors and Convention Bureau from November 30<sup>th</sup> - December 3<sup>rd</sup> and encouraged everyone to attend. He also noted basketball has started and that he had recently attended the Georgia Recreation Professionals Association convention which he found very informative.

Ms. King had no report.

Battalion Chief Rowell left the meeting at 6:20 pm to respond to a fire call.

14. General Public Items: None

15. Mayor Items:

November 28<sup>th</sup> – Walk with Mayor/Council will be at 5 pm in the Lake Forest subdivision

December 4<sup>th</sup> – Council’s work session

December 5<sup>th</sup> – Pre council and council

Wished everyone a happy Thanksgiving and urged everyone to help others. He also cautioned safe driving if traveling for the holiday.

16. Adjourn: There being no further business to come before Council in the regular meeting held November 21, 2017 Council Member Bynum-Grace motioned to adjourn the meeting at 7:13 p.m.; Mayor Pro Tempore Jackson seconded the motion and it carried unanimously.

# City of Perry

## Ordinance Review Check List for Second Reading

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

LG City Manager – Lee Gilmour

PG Department Head

Notes:

**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: \_\_\_\_\_

# City of Perry

## Ordinance Review Check List for Second Reading

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

LS City Manager

LS Department Head

Notes:

**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: \_\_\_\_\_



**Where Georgia comes together.**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

**TO:** Mayor/Council

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

**DATE:** November 20, 2017

**REFERENCE:** Solid Waste Fee Amendment

With the change in totter solid waste collection and the addition of dumpster/roll-on/off containers, the solid waste fees need to be amended or added to the City of Perry Fee Schedule. The totter fee reflects adjustments for yard/bulk, dumpsters and landfill close out costs. The fee has not been amended since July 2013. The amendment increases the monthly totter fee from \$20.40/month to \$20.70/month.

**A RESOLUTION  
TO AMEND  
THE CITY OF PERRY  
FEE SCHEDULE**

**WHEREAS**, there is expanding its solid waste collection/disposal services; and

**WHEREAS**, the fees need to be adjusted or set to fund the new service level;

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

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

- 4. Solid Waste Franchise Fee
  - (a) Residential (1-4 units) \$15.00/permit/site
  - (b) Other 25.00/permit/site

Section 2 B. Charge for Services, 4 Sanitation is amended to read:

b. Totter (cart) Solid Waste

1. Residential Solid Waste

- First Totter \$20.75/month
- Each Extra Totter 6.00/month

2. Business Solid Waste

- First Totter \$20.75/month
- Each Extra Totter 6.00/month

C. Commercial Solid Waste

Base Fee \$ 2.15/month

Dumpsters

- 2 cubic yard \$ 5.40/pull
- 4 cubic yard 10.75/pull
- 8 cubic yard 21.55/pull

Roll on/off

Container 145/pull plus disposal costs

Recycling

- Totter (each) \$ 1.00/month
- 8 cubic yard (each) \$50.00/month

This resolution is effective January 2, 2018

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

CITY OF PERRY

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

City Seal

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



RESOLUTION

BE IT RESOLVED by the Mayor and Council of the City of Perry as follows:

That David G. Walker is hereby appointed as the prosecuting attorney of the Municipal Court for the City of Perry, Georgia; and

That the prosecuting attorney for the Municipal Court of the City of Perry, Georgia shall serve at the pleasure of the Mayor and Council;

That the appointment by David G. Walker of John Hulbert, Matthew Hulbert, and Brooke Newby as assistant prosecuting attorneys for the Municipal Court of the City of Perry, Georgia is hereby confirmed; and

That within 30 days of the date of this Resolution, the Municipal Court clerk shall notify the Prosecuting Attorney's Council of the State of Georgia of this appointment as required under Georgia law.

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

CITY OF PERRY, GEORGIA

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

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



## MEMORANDUM

TO: Lee Gilmour, City Manager

FROM: Brenda King, Director of Administration

DATE: November 30, 2017

SUBJECT: Recommendation of Award  
Bid #2018-17

Description: 803 Commerce St. Roof Job

FUND:

<u>Vendor</u>	<u>Bid Amount</u>
Pittman Waller Roof Co., Inc. – Macon, GA	\$11,660.00

There was only one bid for the job.

**Department recommendation: Award the bid in the amount of \$11,660.00 to Pittman Waller Roof Co., Inc.**

**City of Perry**  
**Public Works Department**  
1211 Washington Street  
P.O. Box 2030  
Perry, Georgia 31069-6030



Where Georgia comes together.

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

478-988-2700  
Telephone

478-988-2739  
Telefax

To: Brenda King  
From: John Schell Maintenance Supervisor  
Date Nov 30, 2017  
Re: Roof recommendation

Following up on Roof Bid No. 2018-17 (PVO building) at 803 Commerce St. We only received one bid for the roof job; so I recommend we accept the Bid from Pittman Waller in the amount of \$11,660.00. This to replace the old worn out roof on top of old City Hall building currently the (PVO) Perry Volunteer Outreach building.


If you have any questions please call  
478-338-0972

John Schell

Maintenance Supervisor



**MEMORANDUM**

TO: Lee Gilmour, City Manager  
FROM: Brenda King,  Director of Administration  
DATE: December 1, 2017  
SUBJECT: Recommendation of Award  
Bid #2018-16

Description: Animal Control Administration Building Renovations

FUND:

<u>Vendor</u>	<u>Bid Amount</u>
JW Shuttlesworth, LLC – Perry, GA	\$52,481.97

There was only one bid for the job.

**Department recommendation: Award the bid in the amount of \$52,481.97 to JW Shuttlesworth, LLC**