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REGULAR MEETING OF THE PERRY CITY COUNCIL  
November 20, 2018  
6:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Pro Tempore Randall Walker
4. Recognition(s) / Presentation(s): Mayor Pro Tempore Randall Walker
  - 4a. Presentation to Mayor and Council – Ms. E. Loudermilk.
  - 4b. Recognition of Ms. Vickie Graham and Ms. Sheryl Secrist for achieving Municipal Revenue Administration Certificate – Mayor Pro Tempore Walker.
  - 4c. Recognition of and Presentation of Certificates for the 2018 *Your City* Program participants – Ms. E. Palmer.
  - 4d. Proclamation Recognizing Small Business Saturday – Mayor Pro Tempore Walker
5. Citizens with Input:
6. Public Hearing: Mayor Pro Tempore Randall Walker

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

- 6a. Petition for Special Exception Application No. SE-18-05: Applicant, Coretta Collier, requests a special exception to operate a Residential Business as a beauty salon. The property is located at 814 Oak Ridge Drive; Tax Map No. 0P0270 004000 – Mr. B. Wood.
- 6b. Petition for Special Exception Application No. SE-18-06: Applicant, Kimberly Spivey, requests a special exception to operate a Residential Business as a Family Child Care facility serving up to six children. The property is located at 146 Black Hawke Lane; Tax Map No. 0P60B0 073000 – Mr. B. Wood.
7. Review of Minutes: Mayor Pro Tempore Randall Walker
  - 7a. Council's Consideration – Minutes of the November 5, 2018 work session, November 6, 2018 pre council meeting, and November 20, 2018 council meeting.

8. Old Business: Mayor Pro Tempore Randall Walker
- 8a. Ordinance(s) for Second Reading(s) and Introduction:
1. **Second Reading** of an ordinance to modify City Code Chapter 15, Article VI, Transient Merchants, and Article IX, Fruit Stands, to provide for the sale of processed nuts and to modify the locations at which fruit stands and vegetable stands may operate – Mr. B. Wood.
  2. **Second Reading** of an ordinance relative to “Brunch Bill” – Mr. L. Gilmour.
9. Any Other Old Business:
- 9a. Mayor Pro Tempore Randall Walker
  - 9b. Council Members
  - 9c. City Manager Lee Gilmour
  - 9d. Assistant City Manager Robert Smith
  - 9e. City Attorney
10. New Business: Mayor Pro Tempore Randall Walker
- 10a. Matters referred from November 19, 2018 work session and November 20, 2018 pre council meeting.
- 10b. Ordinance(s) for First Reading(s) and Introduction:
1. **First Reading** of an ordinance to amend FY 2018 Operating Budget – Mr. L. Gilmour. *(No action required by Council.)*
  2. **First Reading** of an ordinance to amend FY 2019 Operating Budget – Mr. L. Gilmour. *(No action required by Council.)*
- 10c. Resolution(s) for Consideration and Adoption:
1. GEFA Loan Modification Resolution – Ms. B. King.
  2. Resolution ratifying the Declaration of Local Emergency – Mayor Pro Tempore Randall Walker.
  3. Resolution renaming certain streets – Mr. B. Wood.
  4. Resolution to amend stormwater utility fee – Mr. L. Gilmour.
- 10d. Consider extending moratorium for tiny houses for an additional ninety days – Mr. B. Wood.
- 10e. Petition for Special Exception Application No. SE-18-05 – Mr. B. Wood.
- 10f. Petition for Special Exception Application No. SE-18-06 – Mr. B. Wood.

10g. Fire headquarters remediation – Mr. R. Smith.

10h. Affirm agreement with Downtown Development Authority – Ms. A. Hardin.

11. Council Members Items:

12. Department Heads/Staff Items:

13. General Public Items:

14. Mayor Pro Tempore Items:

15. Adjourn.

# NEWS RELEASE

November 5, 2018

*For Immediate Release*

**Contact: Kelli Bennett, (678) 686-6242**  
Cell: 404-796-5508  
[kbennett@gmanet.com](mailto:kbennett@gmanet.com)

## **Graham <sup>and Secrist</sup> Receives Municipal Revenue Administration Certificate**

**ATLANTA** – Perry Tax & License Clerk Vickie Graham received a Municipal Revenue Administration Certificate from the Georgia Municipal Association (GMA). The certificate was presented on November 2 in Duluth. <sup>+ Sheryl Secrist</sup>

GMA's Municipal Revenue Administration Certificate program is designed to strengthen the understanding of city managers, city clerks, finance officers, customer service staff, elected officials and other city employees on different municipal revenue sources and applicable laws of the administration and collection process. In order to receive the certificate, recipients must complete all six program courses: Ad Valorem Tax 101, Delinquent Tax Collection, Governmental Fund Revenue Sources 101, Occupation Tax and Regulatory Fees, Alcohol Excise Tax and License Fees and Customer Service & Best Practices.

"We are proud to have members like Vickie, who commit to strengthening their understanding in a wide-range of general fund revenue sources and professionalism in customer service," said GMA Executive Director Larry Hanson.

Based in Atlanta, GMA is a voluntary, non-profit organization that provides legislative advocacy, educational, employee benefit and consulting services to its 521 member cities.

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~ Proclamation ~

**Recognizing  
Small Business Saturday  
November 24, 2018**

**Whereas**, the government of Perry, Georgia, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and

**Whereas**, small businesses employ 47.5 percent of the employees in the private sector in the United States; and

**Whereas**, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

**Whereas**, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

**Whereas**, 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

**Whereas**, the most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their community (64%); and

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

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

**Now, Therefore, I, Randall Walker, Mayor Pro Tempore of Perry, Georgia, do hereby proclaim, November 24, 2018, as:**

**SMALL BUSINESS SATURDAY**

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

**SO PROCLAIMED** this 20<sup>th</sup> day of November in the Year of our Lord, 2018.

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**Randall Walker, Mayor Pro Tempore**



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## **STAFF REPORT**

From the Department of Community Development  
October 19, 2018

**CASE NUMBER:** S-18-05  
**APPLICANT:** Coretta Collier  
**REQUEST:** A Special Exception to allow a Residential Business  
**LOCATION:** 814 Oak Ridge Drive; Tax Map No. 0P0270 004000  
**ADJACENT ZONING/LAND USES:**

Subject Parcel: R-2, Two-family Residential District (Single-Family residence)  
North: R-2 (Single-Family residence)  
South: GU, Government Use District (Georgia Department of Driver Services)  
East: R-2, Residential Agricultural District (undeveloped)  
West: R-2 (Single-Family residence)

**REQUEST ANALYSIS:** The applicant requests approval to operate a Residential Business as beauty salon.

The applicant indicates the business will be conducted from 10:00 am through 5:00 pm Monday through Saturday. She expects to have 10-15 clients per week until she builds up her clientele. The business will operate in half of an attached garage.

### **STANDARDS FOR SPECIAL EXCEPTIONS:**

- 1. Does the Special Exception follow the existing land use pattern?** The surrounding area consists of single-family residential uses along Oak Ridge Drive. Industrial and warehouse uses exist on Kellwood Drive, which connects to Oak Ridge Drive near the subject property. The State properties across Oak Ridge currently are accessed from Larry Walker Parkway. 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 significant 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 subject property is approximately 0.86 acre in size, similar to adjacent properties. The conditions established in Section 4-4.3 of the Land Management 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 existing driveway appears to be adequate to park four vehicles, which meets the minimum requirements for the residential use and the residential business use.

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 4-4.3 of the Land Management 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 4-4.3 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 RECOMMENDATION:** Based on review of the criteria, Staff recommends approval of the special exception, with the following conditions:

1. The Special Exception shall be limited to a Residential Business conducted beauty salon only;
2. The Special Exception shall be limited to the applicant, Coretta Collier, and is not transferrable;
3. The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, state and federal laws and regulations; and
4. No sign advertising the business shall be posted or displayed on the property.

**PLANNING COMMISSION RECOMMENDATION:** Approval of the special exception, with the following conditions:

1. The Special Exception shall be limited to a Residential Business conducted beauty salon only;
2. The Special Exception shall be limited to the applicant, Coretta Collier, and is not transferrable;
3. The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, state and federal laws and regulations; and
4. No sign advertising the business shall be posted or displayed on the property

  
Eric Z. Edwards, Chairman, Planning Commission

10/23/18  
Date

**REFERENCE:**

**Sec. 4-4. - Accessory uses and structures.**

**4-4.3. Standards for specific accessory uses and structures.**

(C) *Home occupation.* A home occupation permit may be issued subject to the following standards:

- (1) *Where allowed.* The home occupation shall be operated entirely within the dwelling unit or a related accessory building.
- (2) *Who may operate.* Only by the persons maintaining residence on the lot may operate a home occupation. If the persons maintaining residence are not the owners, the property owner's permission must be provided.
- (3) *Area.* The combined floor area of a home occupation shall not exceed 25 percent of the floor area of the principal structure.
- (4) *Employees.* A home occupation may employ no more than one person who is not a resident in the applicant's home.
- (5) *Operational requirements.*
  - (a) The home occupation shall not involve the retail sale of merchandise except for products related directly to services performed.

- (b) No merchandise shall be displayed in such a manner as to be visible from off the premises.
  - (c) No outdoor storage shall be allowed in connection with any home occupation.
  - (d) No alteration of the residential character of the premises may be made and the hours and the manner in which the home occupation is conducted shall not be allowed to create a nuisance or disturbance.
- (6) **Business owner.** 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.
- (7) **Parking.** Off-street parking shall be provided in accordance with the requirements of section 6-1, off-street parking and loading.
- (8) **Prohibited home occupations.** The following uses are prohibited as home occupations:
- (a) Landscaping business, other than office use;
  - (b) Commercial greenhouse;
  - (c) Contractor's business, other than office use;
  - (d) Beauty salon or barber shop;
  - (e) Automotive repair;
  - (f) Furniture repair or cabinet shop;
  - (g) Physician's or chiropractor's clinic;
  - (h) Fortune telling.
- (D) **Residential business.** A residential business may only be allowed by special exception. 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. In addition to , 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 twenty-five (25) 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) Property on which the residential business is proposed must have frontage on a public road.
  - (11) Off-street parking shall be provided in accordance with the requirements of section 6-1, off-street parking and loading.
  - (12) Access by customers and/or clients shall be 8:00 am through 6:00 pm, Monday through Saturday.
  - (13) One commercial vehicle may be parked in the approved parking area on the property.
  - (14) A utility trailer needed for the operation of the business must be specifically requested and approved by the Planning Commission.





**Overview**



**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	0P0270 004000	<b>Owner</b>	COLLIER CORETTA	<b>Last 2 Sales</b>			
<b>Class Code</b>	Residential		814 OAKRIDGE DR	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	Perry		PERRY GA 31069	9/9/1999	\$54900	FM	Q
		<b>Physical Address</b>	814 OAK RIDGE DR	3/17/1999	\$23000	03	U
<b>Acres</b>	0.86	<b>Assessed Value</b>	Value \$69900				
		<b>Land Value</b>	Value \$13600				
		<b>Improvement Value</b>	Value \$52800				
		<b>Accessory Value</b>	Value \$3500				

(Note: Not to be used on legal documents)

Date created: 10/19/2018  
 Last Data Uploaded: 10/19/2018 6:05:21 AM

Developed by  Schneider  
 GEOSPATIAL

Google Maps 814 Oak Ridge Dr



Image capture: Aug 2012 © 2018 Google

Perry Georgia



Street View - Aug 2012



Google Maps 814 Oak Ridge Dr



Image capture: Aug 2012 © 2018 Google

Google

Perry, Georgia



Street View - Aug 2012





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Application # SE-18-05

## Application for Special Exception

Contact Community Development (478) 988-2720

### Applicant/Owner Information

\*Indicates Required Field

	Applicant	Property Owner
*Name	Coretta Collier	Same
*Title		
*Address	814 Oakridge Drive	
*Phone	478 133-3998	
*Email	colliercoretta@yahoo.com	

### Property Information

*Street Address	814 Oakridge Drive	
*Tax Map #/a1	P274	*Zoning Designation R-2

### Request

\*Please describe the proposed use: Home Salons/pt. time expect 10-15 people at start-up. need to build clientele. Hours Mon-Sat 10-5 pm. -  
16x22 (352 sq ft.) Half garage business to be conducted.

### Instructions

1. The application and \$85.00 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 2-2 and 2-3.5 of the Land Management Ordinance 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 <i>Coretta Collier</i>	*Date <i>9-21-18</i>
*Property Owner/Authorized Agent <i>Coretta Collier</i>	*Date <i>9-21-18</i>

**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.

Revised 1/10/2018

For Office Use (receipt code 204.2)

Date received <i>9/21/18</i>	Fee paid <i>\$85.00</i>	Date deemed complete <i>9/21/18</i>	Public Notice Sign <i>by 10/5</i>	Legal Ad <i>Place 10/24 to run 10/31</i>
Notice to Applicant <i>10/19</i>	Routed to PC <i>10/19</i>	Date of PC <i>10/22</i>	Date of Public Hearing <i>10/22/18</i>	Date of Council action <i>11/20/18</i>
Notice of action				



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## **STAFF REPORT**

From the Department of Community Development  
October 19, 2018

**CASE NUMBER:** S-18-06  
**APPLICANT:** Kimberly Spivey  
**REQUEST:** A Special Exception to allow a Residential Business  
**LOCATION:** 246 Black Hawke Lane; Tax Map No. 0P60B0 073000  
**ADJACENT ZONING/LAND USES:**

Subject Parcel: PUD, Planned Unit Development District (Single-Family residence)  
North: PUD (Single-Family residence)  
South: PUD (Single-Family residence)  
East: RAG, Residential Agricultural District (undeveloped)  
West: PUD (Single-Family residence)

**REQUEST ANALYSIS:** The applicant requests approval to operate a Residential Business as a Family Child Care facility serving up to six children. Such business is subject to licensing from the State of Georgia

The applicant indicates the business will be conducted during the week between 7:00 am and 5:00 pm. Parents will pull into the driveway to drop of their children.

### **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 significant impact on existing fire and police protection. Emergency services personnel should be made aware of the additional children at the site, in case of emergencies.
- 4. Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?** The subject property is approximately ¼ acre in size with a fenced back yard, similar to adjacent properties. The conditions established in Section 4-4.3 of the Land Management 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 indicates that parents will park in the existing driveway. Up to six additional vehicles could be coming into the neighborhood twice a day.
- 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 4-4.3 of the Land Management 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 4-4.3 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 RECOMMENDATION:** Based on review of the criteria, Staff recommends approval of the special exception, with the following conditions:

1. The Special Exception shall be limited to a Residential Business conducted family child-care for up to six children only;
2. The Special Exception shall be limited to the applicant, Kimberly Spivey, and is not transferrable;
3. The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, state and federal laws and regulations;
4. No sign advertising the business shall be posted or displayed on the property; and
5. The required State of Georgia license shall be submitted to the Community Development Department as part of the City Business License application.

**PLANNING COMMISSION RECOMMENDATION:**

1. The Special Exception shall be limited to a Residential Business conducted family child-care for up to six children only;
2. The Special Exception shall be limited to the applicant, Kimberly Spivey, and is not transferrable;
3. The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, state and federal laws and regulations;
4. No sign advertising the business shall be posted or displayed on the property; and
5. The required State of Georgia license shall be submitted to the Community Development Department as part of the City Business License application.



Eric Z. Edwards, Chairman, Planning Commission

10/23/18

Date

**REFERENCE:**

**Sec. 4-4. - Accessory uses and structures.**

**4-4.3. Standards for specific accessory uses and structures.**

(C) *Home occupation.* A home occupation permit may be issued subject to the following standards:

- (1) *Where allowed.* The home occupation shall be operated entirely within the dwelling unit or a related accessory building.
- (2) *Who may operate.* Only by the persons maintaining residence on the lot may operate a home occupation. If the persons maintaining residence are not the owners, the property owner's permission must be provided.
- (3) *Area.* The combined floor area of a home occupation shall not exceed 25 percent of the floor area of the principal structure.
- (4) *Employees.* A home occupation may employ no more than one person who is not a resident in the applicant's home.
- (5) *Operational requirements.*
  - (a) The home occupation shall not involve the retail sale of merchandise except for products related directly to services performed.

- (b) No merchandise shall be displayed in such a manner as to be visible from off the premises.
  - (c) No outdoor storage shall be allowed in connection with any home occupation.
  - (d) No alteration of the residential character of the premises may be made and the hours and the manner in which the home occupation is conducted shall not be allowed to create a nuisance or disturbance.
- (6) **Business owner.** 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.
- (7) **Parking.** Off-street parking shall be provided in accordance with the requirements of section 6-1, off-street parking and loading.
- (8) **Prohibited home occupations.** The following uses are prohibited as home occupations:
- (a) Landscaping business, other than office use;
  - (b) Commercial greenhouse;
  - (c) Contractor's business, other than office use;
  - (d) Beauty salon or barber shop;
  - (e) Automotive repair;
  - (f) Furniture repair or cabinet shop;
  - (g) Physician's or chiropractor's clinic;
  - (h) Fortune telling.
- (D) **Residential business.** A residential business may only be allowed by special exception. 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. In addition to , 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 twenty-five (25) 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) Property on which the residential business is proposed must have frontage on a public road.
  - (11) Off-street parking shall be provided in accordance with the requirements of section 6-1, off-street parking and loading.
  - (12) Access by customers and/or clients shall be 8:00 am through 6:00 pm, Monday through Saturday.
  - (13) One commercial vehicle may be parked in the approved parking area on the property.
  - (14) A utility trailer needed for the operation of the business must be specifically requested and approved by the Planning Commission.







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Application # SE-18-06

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

**Applicant/Owner Information**

\*Indicates Required Field

	Applicant	Property Owner
*Name	Kimberly Spivey	Otayris + Kimberly Spivey
*Title	Mrs.	Mr.
*Address	246 Black Hawke Lane	246 Black Hawke Lane
*Phone	478-550-0319	229-322-3164
*Email	Kimberly.curtis81@yahoo.com	Otayrisspivey007@yahoo.com

**Property Information**

*Street Address	246 Black Hawke Lane	Kathleen GA	31047
*Tax Map #(s)	P600-73	*Zoning Designation	P.U.D

**Request**

\*Please describe the proposed use:

Family childcare provider

**Instructions**

1. The application and \$85.00 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 2-2 and 2-3.5 of the Land Management Ordinance 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.

Kimberly Spivey

246 Black Hawke Lane

Kathleen GA, 31047

I'm requesting for special exception for my address to be a family childcare provider. I was recently a home provider in Houston County, Warner Robins area but purchased a home in Perry Ga. There is no covenants and restrictions pertaining to the property that would preclude the proposed use of the property. I plan to keep no more than 6 children in my home during the week from 7:00-5:00 p.m. My home-based business will not have an adverse effect on the comprehensive plan or cause my neighborhood morning or afternoon clutter because parents will be requested to drive into driveway to prevent street parking. I will be preparing all my meals on site therefore no food or other transportation services will be needed. I have a lot of working neighbors with children, so it would be beneficial to the surrounding parents. I will not have any non-readily accessible materials and equipment that would prevent accessibility for fire and police protection. I have on hand for the safety of the children items such as, fire extinguisher, smoke detections and working landline and cell phone for fire and police protections. There will not be any added building or structures. The nature of the operations will not negatively impact pedestrian and vehicular traffic in the district because all parents will be required to pull forward into the garage driveway. The home is a nonsmoking, non-traffic congestion area which make it free from any air pollution, odor. It will not adversely impact the value of surrounding properties because no outside structures will be done.

 9/21/18

**MINUTES**  
**WORK SESSION MEETING**  
**OF THE PERRY CITY COUNCIL**  
**November 5, 2018**  
**5:00 P.M.**

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the work session meeting held November 5, 2018, at 5:00 p.m.

2. Roll:

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

Elected Officials Absent: None

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney David Walker, and Recording Clerk Gail Price.

City Departmental Staffing: Chief Steve Lynn – Police Department, Fire Chief Lee Parker – Fire and Emergency Services Department, Annie Warren – City Clerk, Ellen Palmer – Digital Communications Manager, Ashley Hardin – Economic Development Director, Michael Paull – Fire Marshall, and Brenda King – Director of Finance.

Guest(s)/Speaker(s): Allison Hamsley and Darlene McLendon

Media: Mr. James Simpson, II – The Houston Home Journal

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

3a. Appearance(s):

1. Discussion relative to the Georgia Department of Economic Development Tourism Product Development Resource Team visit. Ms. Hamsley discussed the itinerary of the Tourism Product Development Resource Team.

3b. Office of the City Clerk

1. Establish Council's 2019 meetings calendar. Ms. Warren presented the 2019 Council Calendar for consideration. After discussion, it was the consensus of Council to move forward with the calendar.

3c. Office of the City Manager

1. Perry Music Festival Planning Committee. Mr. Gilmour presented for Council's consideration a recommendation that the next Music Festival be held at Heritage Park and the following individuals be on the planning committee: Ms. Haley Myers, Mr. Carl Lumpkin, Mr. Robert Smith, Major Bill Phelps and FBC Kirk Crumpton. Council concurred with Administration's recommendation.
2. Decorating City infrastructure. Mr. Gilmour provided Council with a proposal from the Perry Public Arts Commission to decorate fire hydrants downtown. It was the consensus of Council to move forward.
3. Policy direction relative to take-home police vehicles. Mr. Gilmour discussed the policy about the take home cars for the police officers. The recommendation from the Perry Police Department is vehicles be allowed to be taken home if the officer resides in Houston County or its immediately surrounding counties of Bibb, Twiggs, Bleckley, Pulaski, Dooly, Macon and Peach counties. The Administration agrees with this recommendation. Council concurred with Administration's recommendation.
4. Administrative Dress Code Guidelines. Mr. Gilmour discussed the proposal for amending the current dress code guidelines. Mr. Gilmour's recommendation would be distribute this to personnel who are affected. Council concurred with getting feedback.

4. Council Member Items:

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

Council Member Jones gave his condolences to Mr. Hunt in the passing of his son-in-law.

Council Member King reported

- Dilapidated home on Gardner Street
- Water leak on Martin Luther King Jr. Drive

Mr. Gilmour advised that a response had been sent out to parents and guardians along with City Council relative to their concerns with the Leisure Services.

Assistant City Manager Smith received a letter from the Board of Education to relocate the crosswalk in front of Tucker Elementary. Mr. Gilmour suggested

holding off until further review. Consensus of Council was to table this until further review.

City Attorney David Walker had no reports.

5. Department Head Items:

Ms. King, Ms. Warren, Chief Lynn, Chief Parker, Fire Marshall Paull had no reports.

Ms. Hardin

- Thanked everyone that attended the Main Street Harvest Dinner. The money collected will be used for funding billboards for Small Business Saturday. Small Business Saturday is November 24 from 10:00am to 4:00 pm.
- Holiday on Carroll Event will be held on Saturday December 8.

Ms. Palmer

- Provided an update on the New Mobile App.
- *Your City* Program still going great and final session is next week with Leisure Services.

6. Executive Session entered at 5:25pm. On a motion by Council Member Jones, seconded by Council Member Hunt and carried unanimously Council went into executive session for the purpose of Real Estate, Pending Litigation and Personnel.
7. Executive Session adjourned at 5:35 pm. Topic discussed was not executive session material.
8. Executive Session entered at 6:00 pm. On a motion by Council Member Jones, seconded by Council Member Bynum-Grace and carried unanimously, Council went into executive session for the purpose of real estate, litigation and personnel.
9. Adopted Resolution No. 2018-76 stating the purpose of the executive session held on November 5, 2018 was for real estate, litigation and personnel. On a motion by Council Member Jackson, seconded by Council Member Hunt and carried unanimously adopted a resolution stating the purpose of the executive session held on November 5, 2018 was for real estate, litigation and personnel. Discussed proposal presented by Mr. Smith from the Downtown Development Authority request for a cash advance to allow it to purchase property in downtown. After discussion, it was the consensus of Council to provide cash up to \$200,000 providing DDA repay the City advance. The repayment schedule to be determined. Discussed fire fee proposal by City Manager, reviewed options

after discussion and Council affirmed to follow option #4. (*Resolution 2018-76 has been entered in the City's official book of record*)

10. Executive Session adjourned at 6:50 pm. Council's work session reconvened. Council adjourned the executive session held on November 5, 2018 and reconvened into work session.
11. Adjournment: There being no further business to come before Council in the work session held on November 5, 2018, Council Member Jackson motioned to adjourn the meeting at 6:52pm. Council Member King seconded the motion and it carried unanimously.

**MINUTES**  
**PRE COUNCIL MEETING**  
**OF THE PERRY CITY COUNCIL**  
**November 6, 2018**  
**5:00 P.M.**

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the pre council meeting held November 6, 2018 at 5:00 p.m.

2. Roll:

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

Elected Official(s) Absent: Mayor James E. Faircloth, Jr.

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

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, and Ashley Hardin – Economic Development Director.

Guests: None

Media: None

3. Items of Review/Discussion: Mayor Pro Tempore Randall Walker

3a. Discussion of November 6, 2018 council meeting agenda.

8a. Proposed renaming of portions of US Hwy 341 due to GDOT re-routing. Administration advised changing portions of US Hwy 341 inside Perry Parkway identified as US Hwy 341 to Main Street for the south section and Sam Nunn Boulevard for the north section.

11b. First Reading of an ordinance to modify City Code Chapter 15, Article VI, Transient Merchants, and Article IX, Fruit Stands, to provide for the sale of processed nuts and to modify the locations at which fruit stands and vegetable stands may operate. Administration stated this modification is a follow up relative to a request for consideration from Hardy Farms Peanuts. The Department of Community Development recommends: 1) adjusting the definition of fruit vendors to allow vendors who do processing of peanuts, and 2) prohibit fruit stands in the downtown district.



11c (1). Bid No. 2019-07 Backhoe: Ms. King advised this is a backhoe for the Public Works Department. Staff recommended awarding Bid No. 2019-07 to low bidder MacKinnon Equipment in the amount of \$79,418.78.

11c (2). Bid No. 2019-08 One ton service body truck. Ms. King advised this is a service truck for the meter install crew. Staff recommended awarding Bid No. 2019-08 to Ginn Chrysler Jeep Dodge LLC in the amount of \$41,577.00 based upon operational need. Brannen Motor Company's delivery would likely be 12-14 weeks.

4. Council Member Items:

Council had no reports.

Mr. Gilmour and Attorney Walker had no reports.

Mr. Smith reported a successful Fall Cleanup Week with 21.7 tons of bulk waste collected.

5. Department Head Items:

Chief Parker, Chief Lynn, Ms. King and Ms. Warren had no reports.

Ms. Hardin

- Main Street Dinner overview
- Holiday on Carroll

6. Adjourn: There being no further business to come before Council in the pre council meeting held November 6, 2018 Council Member Jones motioned to adjourn the meeting at 5:17 p.m.; Council Member King seconded the motion and it carried unanimously.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**November 6, 2018**  
**6:00 P.M.**

1. **Call to Order:** Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held November 6, 2018 at 6:00 p.m.

2. **Roll.**

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

**Elected Officials Absent:** Mayor James E. Faircloth, Jr.

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

**City Departmental Staffing:** **Departmental Staffing:** Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, and Ashley Hardin – Economic Development Director.

**Guest(s):** Darrien Woolfolk, Penrose Wolf, Jennifer Hamrick, Rajah Singh, Jeanette Carmen, David Lunsford, Annalee Hanner, Nicole Barlette, Quincy Williams, Jack White, and friends and family of Captain Heath Dykes.

**Media:** James Simpson, II - Houston Home Journal and Kellie McWilliams – Comsouth 100

3. **Invocation and Pledge of Allegiance to the Flag:** Mayor Pro Tempore Randall Walker  
Council Member Robert Jones rendered the invocation and Council Member Hunt led the pledge of allegiance to the flag.

4. **Recognition(s) / Presentation(s):** Mayor Pro Tempore Randall Walker

4a. Recognition of Captain Heath Dykes 25 years of service – Chief S. Lynn

Chief Lynn presented Captain Dykes a gift certificate and a service pin recognizing his 25 years of service. Former GBI agent Jack White spoke favorably of Captain Dykes. Mayor Pro Tempore Walker and Council thanked Captain Dykes for his service and leadership in the community.

5. **Community Partner(s) Update(s):** None

6. **Citizens with Input:**

Jennifer Hamrick, President of Georgian Mill Homeowners Association addressed Council relative to 215 Flowing Meadows Drive being used as a boarding house for troubled youth. Ms. Hamrick requested options from Council relative to dealing with this issue. Mayor Pro Tempore Walker requested Mr. Gilmour confer with Mr. Wood to determine what options are available.

Rajah Singh, 309 Flowing Meadows Drive, stated the area is a residential community and wanted to know if the homeowner was being compensated for a business at the residence.

Jeanette Carmen was concerned about issues and if the home was in compliance.

David Lunsford, 212 Flowing Meadows Drive, feels trapped in his residence with his two young children because of the activity at 215 Flowing Meadows Drive.

Darrien Woolfolk, 926 Jeannie Street, provided an update relative to the home renovations on Elaine Street.

Annalee Hanner, 104 Broomsedge Lane, advised Council on an incident that occurred on November 1.

Quincy Williams, 222 Flowing Meadows Drive, reiterated the concerns of others relative to 215 Flowing Meadows Drive.

Nicole Bartlett, 305 Flowing Meadows Drive, felt that some the youth at the boarding house may have mental health challenges.

7. Appointments to Boards/Commissions/Authorities: Mayor Pro Tempore Randall Walker

7a. Mayor and Council Appointments.

- Houston County Land Bank Board

Mayor Pro Tempore Walker entertained a motion to appoint Council Member King and Penny Byrd to the Houston County Land Bank Board. Council Member Bynum-Grace motioned to appoint Council Member King and Penny Byrd to the Houston County Land Bank Board; Council Member Jones seconded the motion and it carried unanimously.

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

- 8a. Proposed renaming of portions of US Hwy 341 due to GDOT re-routing. Administration advised Georgia Department of Transportation is going to be changing US 341 route, shifting the route onto Perry Parkway, therefore, portions of the route that currently have 341 identification will no longer be in

effect. The south portion will be renamed Main Street and the north portion will be renamed Sam Nunn Boulevard. Administration also advised the renaming is not an indication of any annexation.

**Public Input:** Mayor Pro Tempore Walker called for any public input for or against the petition.

For: None

Opposed: James Frazier, 2081 Hwy 341S, inquired why the rerouting is being done.

Administration stated the City asked Georgia Department of Transportation to take a look at this for two reasons: 1) the City concern with the designation of 341 that high truck traffic comes on that street and through downtown; and 2) 341 in downtown has a tendency to get crowded and when there is an event downtown, the City has to get permission from Georgia Department of Transportation.

Mr. Frazier asked what is the time frame for the change and why is the request coming from the City? Administration stated the Georgia Department of Transportation will make the change and the street is in the City.

**Public Hearing closed at 6:40 p.m.** Mayor Pro Tempore Walker closed the Public Hearing at 6:40 pm.

9. **Review of Minutes:** Mayor Pro Tempore Randall Walker

- 9a. Council's Consideration – Minutes of the October 16, 2018 pre council meeting, and October 16, 2018 council meeting. (*Council Member Hunt was absent from October 16, 2018 meetings.*)

Council Member Jackson motioned to accept the minutes as submitted; Council Member King seconded the motion and it carried with Council Member Hunt abstaining.

10. **Old Business:** Mayor Pro Tempore Randall Walker

- 10a. Mayor Pro Tempore Randall Walker - none  
10b. Council Members - none  
10c. City Manager Lee Gilmour - none  
10d. Assistant City Manager Robert Smith - none  
10e. City Attorney David Walker - none

11. **New Business:** Mayor Pro Tempore Randall Walker

- 11a. **Matters referred from November 5, 2018 work session and November 6, 2018 pre council meeting.** None  
11b. **Ordinance(s) for First Reading(s) and Introduction:**

1. **First Reading** of an ordinance to modify City Code Chapter 15, Article VI, Transient Merchants, and Article IX, Fruit Stands, to provide for the sale of processed nuts and to modify the locations at which fruit stands and vegetable stands may operate – Mr. L. Gilmour. *(No action required by Council)*

11c. Award of Bid(s):

1. Bid No. 2019-07 Backhoe – Ms. B. King

Bid No. 2019-07 Backhoe. Ms. King presented for Council's consideration an award of bid for a backhoe. Staff recommended awarding the bid to low bidder, MacKinnon Equipment in the amount of \$79,418.78. Council Member Bynum-Grace motioned to award Bid No. 2019-07 to MacKinnon Equipment in the amount of \$79,418.78; Council Member Jones seconded the motion and it carried unanimously.

2. Bid No. 2019-08 One ton service body truck – Ms. B. King

Bid No. 2019-08 - One ton service body truck. Ms. King presented for Council's consideration an award of bid for a one ton service body truck. Staff recommended awarding the bid to Ginn Chrysler Jeep Dodge LLC based upon operational need (30 day delivery) in the amount of \$41,577.00. Council Member King motioned to accept staff's recommendation to award Bid No. 2019-08 to Ginn Chrysler Jeep Dodge LLC in the amount of \$41,577.00. Council Member Jones seconded the motion and it carried unanimously.

12. Council Members Items: None

Mr. Gilmour and City Attorney Walker had no reports.

Mr. Smith reported a successful Fall Clean Up Week with 21.7 tons of bulk waste collected.

13. Department Heads/Staff Items:

Ms. King, Chief Lynn, Chief Parker, and Ms. Warren had no reports.

Ms. Hardin reported on

- November 3, Main Street Harvest Dinner
- November 24, Small Business Saturday
- December 8, Holiday on Carroll

14. General Public Items:

Mr. Penrose Wolf inquired what the new name will be for Exit 138; Administration

advised the name will be North Perry Parkway.

15. Mayor Pro Tempore Items:

- November 8, State of Community Luncheon

16. Adjourn. There being no further business to come before Council in regular meeting held November 6, 2018, Council Member Jackson motioned to adjourn the meeting at 6:55 p.m.; Council Member Hunt seconded the motion and it carried unanimously.

ORDINANCE

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

1.

Section 15-127 of the Code of the City of Perry, Georgia is amended by deleting Section 15-127 in its entirety, and adding a new Section 15-127, titled "Transient Merchant" defined, that reads as follows:

As used in this article, the term "transient merchant" means any person, firm, or corporation, as principal or agent, or both, which is not a regular retail or wholesale merchant with a permanent place of business in the city, but rather one (1) who displays samples, model goods, wares or merchandise in or upon any lot, building, room or structure of any kind, whether fixed or mobile, for the purpose of securing orders for retail sale or such items of like kind or quality for immediate or future delivery. The term "transient merchant" shall not include any person who:

- (1) Meets the definition of "Fruit or Vegetable Stand" in Article IX; or
- (2) Makes house-to-house personal calls for the purpose of displaying samples or taking orders for shipment directly from a manufacturer (see Article XV, Solicitors); or
- (3) Conducts business at any industry or association trade show; or
- (4) Holds a yard sale from the home of a resident of the city, provided such business activity otherwise complies with city ordinances (see Section 17-30, Yard Sales, Etc); or
- (5) Sells items from the home of a resident of the city, provided such business activity otherwise complies with city ordinances (see Appendix A, Section 4-4, Accessory Uses); or
- (6) Sells items at an organized show or exhibition held within the corporate limits of the city by a person who has first obtained from the city a license for the purpose of conducting such show or exhibition; or
- (7) Sells items in the downtown district on property owned or leased by the individual or organization holding the sale, provided permission for such sale has been obtained from the council, and provided such business activity otherwise complies with city ordinances.

2.

Section 15-130 of the Code of the City of Perry, Georgia is repealed in its entirety and reserved for future use as follows:

Section 15-130. - Reserved

3.

Section 15-131 of the Code of the City of Perry, Georgia is amended by deleting Section 15-131(5) in its entirety and adding a new Section 15-131(5) as follows:

(5) Applicant must obtain a Temporary Use Permit from the Community Development Department.

4.

Section 15-171 of the Code of the City of Perry, Georgia is amended by deleting Section 15-171 in its entirety and adding a new Section 15-171 as follows:

This article shall apply to any person, firm or corporation, as principal or agent, or both, which is not a regular retail or wholesale merchant with a permanent place of business in the city, but rather one who displays harvested but unprocessed agricultural or forestry products or processed or unprocessed nuts in or upon any lot, building, room or structure of any kind whether fixed or mobile for the purpose of selling to the general public.

5.

Section 15-173 of the Code of the City of Perry, Georgia is amended by deleting Section 15-173(1)(e) in its entirety and adding a new Section 15-173(1)(e) as follows:

(e) Any commercially zoned location with mayor and council approval.

6.

Section 15-173 of the Code of the City of Perry, Georgia is amended by deleting Section 15-171(1)(f) in its entirety.

7.

Section 15-173(5) of the Code of the City of Perry, Georgia is amended by deleting Section 15-173(5) in its entirety and adding a new Section 15-173(5) as follows:

Applicant must obtain a Temporary Use Permit from the Community Development Department.

SO AMENDED this \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF PERRY, GEORGIA

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

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

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

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



**ORDINANCE**

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended by deleting section 3-6 (d) in its entirety and adding a new section 3-6 (d) as follows:

- (d) The sale of alcoholic beverages for consumption on the premises shall be permitted between the hours of 8:00 a.m. and 2:00 a.m. on Monday through Saturday. The sale of alcoholic beverages for consumption on the premises shall be permitted on Sunday between the hours of 12:01 a.m. and 2:00 a.m. and between the hours of 11:00 a.m. and 12:00 a.m. midnight provided that at least fifty (50) percent of the total annual gross sales of the licensed is derived from the sale of prepared meals or food in all the combined retail outlets of the individual establishment where food is served or in any licensed establishment which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging.

No second reading of this ordinance or adoption of same shall occur unless the voters of the City of Perry approve the Sunday sales of alcohol by the drink from 11:00 a.m. to 12:30 p.m. at the referendum to be held on November 6<sup>th</sup>, 2018. Notwithstanding codes that allow the outside consumption of alcohol in the downtown district, such sales and outside consumption are strictly prohibited on Sunday from 11:00 a.m. to 12:30 p.m.

SO ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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: \_\_\_\_\_

EXTRACT OF MINUTES  
RESOLUTION OF GOVERNING BODY

Recipient: CITY OF PERRY

Loan Number: DW2017006

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

WHEREAS, the Borrower has borrowed \$7,800,000 from the GEORGIA ENVIRONMENTAL FINANCE AUTHORITY (the "Lender"), pursuant to the terms of the Loan Agreement (the "Loan Agreement"), dated DECEMBER 21, 2017, between the Borrower and the Lender; and

WHEREAS, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement is evidenced by a Promissory Note (the "Note"), dated NOVEMBER 21, 2017, of the Borrower; and

WHEREAS, the Borrower desires to increase the loan amount by \$3,450,000, and

WHEREAS, the Borrower and the Lender have determined to amend and modify the Note and the Loan Agreement, pursuant to the terms of a Modification of Promissory Note and Loan Agreement (the "Modification") between the Borrower and the Lender, the form of which has been presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower that the form, terms, and conditions and the execution, delivery, and performance of the Modification are hereby approved and authorized.

BE IT FURTHER RESOLVED by the governing body of the Borrower that the terms of the Modification are in the best interests of the Borrower, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Modification, and any related documents necessary to the consummation of the transactions contemplated by the Modification.

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

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

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

Date: \_\_\_\_\_ Secretary/Clerk

(SEAL)



**Where Georgia comes together.**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

**TO:** Mayor/Council  
**FROM:** Lee Gilmour, City Manager  
**DATE:** November 16, 2018  
**REFERENCE:** Amending the Stormwater Utility Fee

The General Fund transferred \$161,486 to the Stormwater Utility Fun in FY 2018 and has advanced \$30,978 through October 2018. This has been to cover costs required with the State mandated MS4 permit.

Based on projected costs, the Administration recommends the stormwater utility fee be increased as shown below.

ERU Fee	\$ 5.00/billing
Maximum	450.00/billing

The attached resolution enacts this request.

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

**WHEREAS**, the Stormwater Utility Fund is running a deficit; and

**WHEREAS**, the City has certain obligations required by its State mandated MS4 permit;

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

Section 1 B. Charge for Services, 3. Public Works Services a. City of Perry Stormwater Utility District is amended as shown:

	From	To
1. ERU Fee	\$ 3.10/billing	\$ 5.00/billing
2. Billing Maximum	\$318.00/billing	\$450.00/billing

**SO RESOLVED**, this \_\_\_\_\_ day of November 2018.

CITY OF PERRY

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

City Seal

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