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July 7, 2020

COUNCIL AGENDA

6:00 PM

PERRY ARTS CENTER

1121 MACON ROAD, PERRY, GA 31069

To join the meeting by Facebook: Use this URL - facebook.com/cityofperryga
This will allow you to view and hear the meeting.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll:
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Introduction(s) / Recognition(s):
 - 4a. Introduction of new hire Martrez Scott – Chief S. Lynn.
 - 4b. Recognition of Perry Police Department Camp Mystery as well as recognize Det. Sgt. Constance Paige, Ms. Janet Duffin, Det. Sgt. Maria Arnold, Officer Eddrica Gary, and Officer Jacquetta Newsome – Ms. T. Clark.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Public Hearing: Mayor 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. 36-66-4.

- 7a. RZNE-60-2020. Applicant, Bryant Engineering, LLC, requests the rezoning of property from PUD, Planned Unit Development District, to R-2A, Single-family Residential District and R-3, Multi-family Residential District. The property is located at 138 Talton Road; Tax Map No. 0P0490 045000 – Mr. B. Wood.
- 7b. ANNX-49-2020. Applicant, Lee Wingate for Wingate Custom Homes, request the rezoning and annexation of property from RAG (county) to R-2A (City). The property is located at 2169 Kings Chapel Road; Tax Map No. 000830 034000 – Mr. B. Wood.
- 7c. RZNE-61-2020. Applicant, The City of Perry, requests a text amendment to revise the Procedures and Standards for Murals – Mr. B. Wood.

- 7d. RZNE-62-2020. Applicant, The City of Perry, requests a text amendment to revise section regarding cul-de-sac dimensions and to remove references to the International Fire Code – Ms. B. Newby and Mr. B. Wood.
8. Review of Minutes: Mayor Randall Walker
- 8a. Council’s Consideration – Minutes of the June 15, 2020 work session, June 16, 2020 pre council meeting, June 16, 2020 council meeting, June 25, 2020 special called meeting and June 29, 2020 special called meeting. *(Council Member Bynum-Grace was absent from the June 15 and 16 meetings.)*
9. Old Business: Mayor Randall Walker
- 9a. Authorize issuance of business license – Mr. L. Gilmour.
10. Any Other Old Business:
- 10a. Mayor Randall Walker
- 10b. Council Members
- 10c. City Attorney Brooke Newby
- 10d. City Manager Lee Gilmour
- 10e. Assistant City Manager Robert Smith
11. New Business: Mayor Randall Walker
- 11a. Matters referred from July 6, 2020 work session and July 7, 2020 pre council meeting.
- 11b. Ordinance(s) for First Readings and Introduction:
1. **First Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development District, to R-2A, Single-family Residential District. The property is located at 138 Talton Road; Tax Map No. 0P0490 045000 – Mr. B. Wood. *(No action required by Council)*
 2. **First Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. The property is located at 138 Talton Road; Tax Map No. 0P0490 045000 – Mr. B. Wood. *(No action required by Council)*
 3. **First Reading** of an ordinance for the rezoning of property from RAG (county) to R-2A (City). The property is located at 2169 Kings Chapel Road; Tax Map No. 000830 034000 – Mr. B. Wood. *(No action required by Council)*
 4. **First Reading** of an ordinance for the annexation of property from RAG (county) to R-2A (City). The property is located at 2169 Kings Chapel Road; Tax Map No. 000830 034000 – Mr. B. Wood. *(No action required by Council)*
 5. **First Reading** of a text amendment to revise the Procedures and

Standards for Murals - Mr. B. Wood. *(No action required by Council)*

6. **First Reading** of a text amendment to revise section regarding cul-de-sac dimensions and to remove references to the International Fire Code – Ms. B. Newby and Mr. B. Wood. *(No action required by Council)*
7. **First Reading** of an ordinance adopting the State Minimum Fire Safety Standards and other fire protection measures – Ms. B. Newby. *(No action required by Council)*

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

1. Resolution appointing Ms. Ansley Fitzner Public Work Superintendent – Mr. L. Gilmour.
2. Resolution amending the City of Perry Position Classification Plan – Mr. L. Gilmour.
3. Resolution amending the execution of the GEFA Modification of Promissory Note and Loan Agreement – Ms. B. Newby.
4. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.
5. Resolution approving, and authorizing execution of the Municipal Court Collections Contract with Perdue, Brandon, Fielder, Collins and Mott, LLP – Ms. B. Newby.

11d. **Special Events Application(s):**

1. The City of Perry is hosting Perry Presents on Fridays, July 17 and August 21, from 7 pm until 10 pm – Ms. A. Turpin.
2. The City of Perry is hosting Yoga in the Park on Saturdays, July 25, August 29 and September 25, from 9 am until 10 am - Ms. A. Turpin.
3. The City of Perry is hosting PARKFEST on Saturday, July 25, from 10 am until 2 pm – Ms. A. Turpin.

12. **Council Members Items:**

13. **Department Heads/Staff Items.**

14. **General Public Items:**

15. **Mayor Items:**

16. **Adjourn.**

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Perry City Council Agenda and supporting material for each item is available on-line through the City's website at www.perry-ga.gov.



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STAFF REPORT

May 13, 2020

CASE NUMBER: RZNE-60-2020
APPLICANT: Bryant Engineering, LLC
REQUEST: Rezone from PUD, Planned Unit Development District, to R-2A, Single-family Residential District and R-3, Multi-family Residential District
LOCATION: 138 Talton Road; Tax Map No. 0P0490 045000

ADJACENT ZONING/LANDUSES:

Subject Parcel: PUD, Planned Unit Development; undeveloped
North: RAG, Residential-Agricultural (County); undeveloped, planned for residential use
South: RAG (County); undeveloped, farmland, single-family residence
East: RAG (County); undeveloped, farmland
West: RAG & R-1 (County); single-family residences, Candler Park subdivision)

BACKGROUND INFORMATION: The subject property was annexed into the City of Perry and zoned PUD in 2007. The approved PUD plan called for development of 545 lots with two access points on Talton Road. The property was never developed.

The applicant proposes to rezone this 223.79-acre tract to R-2A, Single-family Residential District and R-3, Multi-family Residential District. The conceptual site plan submitted with the application indicates approximately 450 single-family residential lots of various sizes. Estate-sized lots (approximately 40,000 square feet in area) would front Talton Road and Bear Branch Road. A mixture of R-1, R-2A, and R-3 sized lots (minimum 14,000, 12,000, and 9,000 square feet in area) would be developed in the interior of the site. Two access points are proposed – one each on Talton Road and Bear Branch Road.

The proposed line separating the two proposed zoning districts is intended to follow property lines. In order to prevent the creation of split-zoned lots, the zoning line may shift slightly to align with the final layout of lots.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The suitability of the subject property for the zoned purposes.** The subject property is suitable for residential development allowed per the current PUD zoning classification
- 2. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Property values are not diminished by the current zoning.
- 3. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.** There is no destruction of property value.

4. **The relative gain to the public as compared to the hardship imposed upon the individual property owner. There is no hardship imposed on the property owner by the current zoning.**
5. **Whether the subject property has a reasonable economic use as currently zoned. The property can be developed with single-family residences as currently zoned.**
6. **The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property. The property has remained undeveloped since being annexed into the City of Perry in 2007. Properties in the general vicinity have been and continue to be developed for residential uses.**
7. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property. The proposed zoning classifications, subject to conditions, will maintain single-family residential uses which are consistent with development of properties in the general vicinity.**
8. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property. The applicant proposes single-family residential uses with an overall density of about 100 units less than currently allowed. This will benefit surrounding properties by reducing the development's impact on the infrastructure in the area.**
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan. The 2017 Joint Comprehensive Plan Update identifies the subject property as 'Suburban Residential'.**
10. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed development under the requested zoning classifications will result in reduced density and more remote access points which should reduce any negative impacts upon the existing streets, transportation facilities, utilities, or schools, which result from the current zoning of the property.**
11. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. There continues to be demand for residential uses in the area east of Perry, due to increasing population and the proximity to excellent schools.**

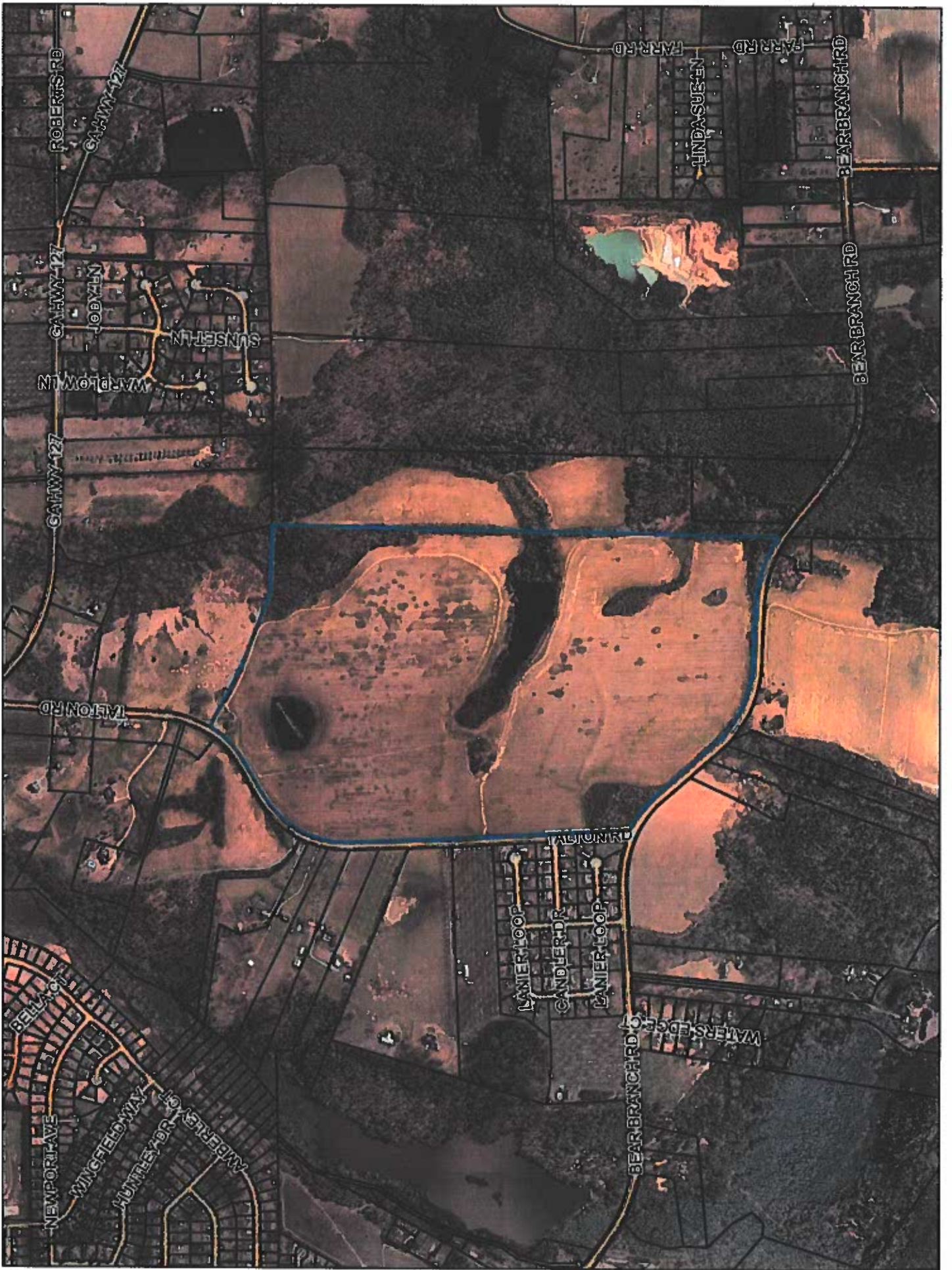
STAFF RECOMMENDATION: Staff recommends approval of the application to rezone to R-2A, Single-family Residential District and R-3, Multi-family Residential District with the following conditions:

1. The development shall consist only of single-family detached residential uses, park/open space, and associated infrastructure improvements;
2. The final subdivision design shall substantially conform to the conceptual plan prepared by Bryant Engineering and dated 5/5/20; and
3. The Director of Community Development shall make the final determination of the location of the line separating the two zoning districts based on final layout of lots, and provided such line does not shift, generally, more than 50 feet in any direction from what is presented with this application.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the application, based on Staff's report and recommendation.


 Eric Z. Edwards, Chairman, Planning Commission

5/15/20
 Date





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Application # _____

Application for Rezoning
 Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Bryant Engineering, LLC	Elizabeth P Talton
*Title	Chad Bryant, President	Owner
*Address	906 Ball Street Perry, GA 31069	109 Talton Road, Kathleen, GA 31047
*Phone	478-224-7070	
*Email	Chad@bryantengllc.com	

Property Information

*Street Address or Location	138 Talton Road
*Tax Map #(s)	0P0490 045000
*Legal Description	<p>A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available;</p> <p>B. Provide a survey plat of the property and/or a proposed site plan;</p> <p>C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.</p>

Request

*Current Zoning District	PUD	*Proposed Zoning District	Tract A - 121.54 ac R-3 Tract B - 102.26 ac R-2A 223.80 total ac.
*Please describe the existing and proposed use of the property			
<p>existing - designed for 540 lots of R-2 + R-3</p> <p>proposed - approx. 450 lots - estate size 32,670 min R-2A (12,000 sf) R-3 (19,670 sf)</p>			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
 - Residential - \$130.00 plus \$15.00/acre (maximum \$1,550.00)
 - Planned Development - \$150.00 plus \$15.00/acre (maximum \$2,700.00)
 - Commercial/Industrial - \$230.00 plus \$22.00/acre (maximum \$2,900.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the rezoning). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- The applicant must be present at the hearings to present the application and answer questions that may arise.
- 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.

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

10. Signatures:

*Applicant 	*Date 5/11/20
*Property Owner/Authorized Agent 	*Date 5/11/20

Standards for Granting a Rezoning (see attached)

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

Revised 1/10/2018

For Office Use (receipt code 204.1)

Date received	Fee paid	Date deemed complete	Public Notice Sign	Legal Ad	County Notification
Notice to Applicant	Routed to PC	Date of PC	Date of Public Hearing	Date of Council action	Notice of action



Chad R. Bryant, P.E.
President-Perry

Jennie S. Barfield, P.E.
Forsyth Branch Manager

Casey Graham, P.E.
Perry Branch Manager

May 11, 2020

Mr. Bryan Wood
Community Development Director
City of Perry
741 Main Street
Perry, GA 31069
478-988-2720
bryan.wood@perry-ga.gov

**Subject: Application for Rezoning
Talton Road Development
0636-005**

Dear Mr. Wood,

Please see attached application and plat for rezoning for 223.80 acres located on Talton Road. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. No Covenants are currently in place
2. Properties across Talton Road are currently Large Estate Lots. To the north is a vacant farm with a planned Residential Subdivision with 32,670 S.F. min Lots. To the east of the property is a low lying wooded parcel currently vacant and zoned HC-RAG.
3. The property has historically been used as farmland. However, due to the proximity to Veterans High School and surrounding developments, this property has become prime area for residential development. The property has been previously rezoned to City of Perry PUD with 540 planned lots. The proposed zoning and concept would produce approximately 450 lots with a mix use of Estate Lots matching the current use across Talton Road, R-1, R-2a, and R-3 type home sites.
4. The property will remain residential use as currently zoned. The density of the property will be reduced from its current zoning classification.
5. The reduction in density will reduce stormwater runoff and provide like kind development directly across the street from neighboring properties along Talton Road.
6. The current zoning of the property creates a vast change in lot sizes compared to adjoining properties. The revised zoning and concept allows for a better transition in Lot sizes.
7. This is a like kind rezoning. Therefore, the economic use stays relatively the same.
8. The property has never been developed as currently zoned and has remained farmland.





Chad R. Bryant, P.E.
President-Perry

Jennie S. Barfield, P.E.
Forsyth Branch Manager

Casey Graham, P.E.
Perry Branch Manager

9. The proposed zoning is like kind with its current zoning and meets similar lot sizes in neighboring subdivisions such as Wind River, The Woodlands, Summer Branch, and other developments down Bear Branch Road.
10. The proposed zoning is for residential use and the property is within a transitional area from farmland to higher density residential.
11. This area is planned for residential development in the Comprehensive Plan
12. This area is part of a planned expansion to City Sewer. The property is accessible to Talton Road to Hwy 127 and Bear Branch Road. Traffic counts are very low so there will not be an overburden on transportation infrastructure.
13. The proposed development we believe will provide a better transition than the current zoning and will have a softer impact to neighboring properties.

We would like to be placed on the next available agenda for the Perry Planning Commission. Please let me know if you have any questions or concerns.

Sincerely,

Chad Bryant, P.E.
President
Bryant Engineering





STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

BE BRYANT
ENGINEERING

DATE	10/20/11
BY	JLB
PROJECT	TALTON ROAD SUBDIVISION
DESCRIPTION	REVISION PLAT FOR
SCALE	AS SHOWN
PROJECT NO.	11-000000000
DATE	10/20/11
BY	JLB
PROJECT	TALTON ROAD SUBDIVISION
DESCRIPTION	REVISION PLAT FOR
SCALE	AS SHOWN
PROJECT NO.	11-000000000

GEORGIA

REVISION PLAT FOR
TALTON ROAD SUBDIVISION

NO.	DATE	DESCRIPTION
1	10/20/11	ISSUED FOR PERMITS
2	11/15/11	ISSUED FOR RECORD
3	12/15/11	ISSUED FOR RECORD
4	01/15/12	ISSUED FOR RECORD
5	02/15/12	ISSUED FOR RECORD
6	03/15/12	ISSUED FOR RECORD
7	04/15/12	ISSUED FOR RECORD
8	05/15/12	ISSUED FOR RECORD
9	06/15/12	ISSUED FOR RECORD
10	07/15/12	ISSUED FOR RECORD
11	08/15/12	ISSUED FOR RECORD
12	09/15/12	ISSUED FOR RECORD
13	10/15/12	ISSUED FOR RECORD
14	11/15/12	ISSUED FOR RECORD
15	12/15/12	ISSUED FOR RECORD

C0.1

TOTAL PROPERTY AREA
223.80 ACRES



SCALE: 1" = 100'

17
BE BRYANT ENGINEERING
1000 W. BRYANT BLVD.
DUBLIN, GA 31006

18
BE BRYANT ENGINEERING
1000 W. BRYANT BLVD.
DUBLIN, GA 31006

TRACT B
104.94 ACRES
CURRENT ZONING P1 D
PROPOSED ZONING R-2A
PHOTON OF TALENT TEL: 404.994.0400

R-2-A

TRACT A
118.86 ACRES
CURRENT ZONING P1 D
PROPOSED ZONING R-3
PHOTON OF TALENT TEL: 404.994.0400

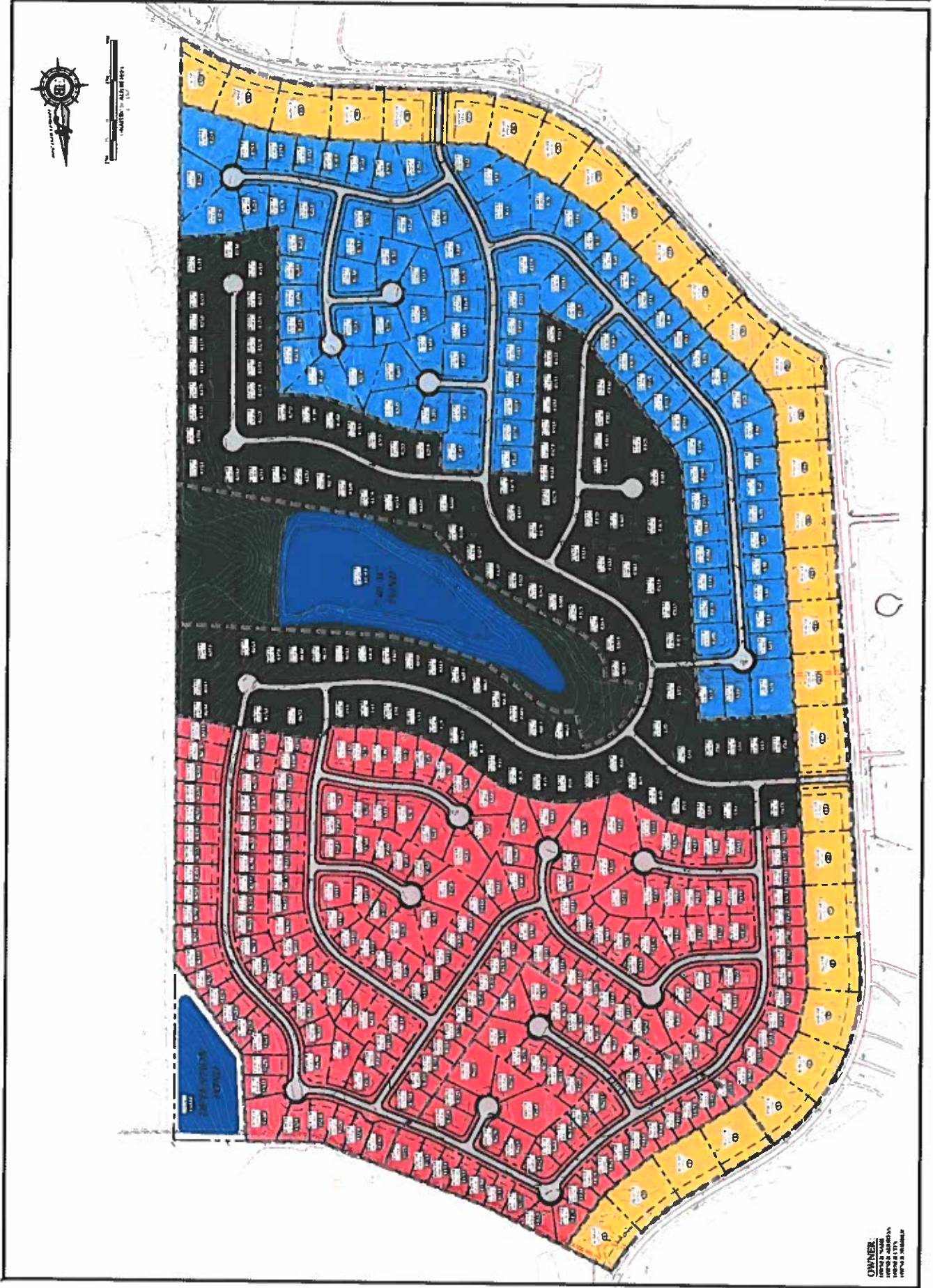
R-3

LEGEND

1	1" = 100'	Scale
2	North Arrow	North Arrow
3	Property Boundary	Property Boundary
4	Right-of-Way Boundary	Right-of-Way Boundary
5	Survey Boundary	Survey Boundary
6	Proposed Right-of-Way	Proposed Right-of-Way
7	Proposed Right-of-Way	Proposed Right-of-Way
8	Proposed Right-of-Way	Proposed Right-of-Way
9	Proposed Right-of-Way	Proposed Right-of-Way
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35	Proposed Right-of-Way	Proposed Right-of-Way
36	Proposed Right-of-Way	Proposed Right-of-Way
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38	Proposed Right-of-Way	Proposed Right-of-Way
39	Proposed Right-of-Way	Proposed Right-of-Way
40	Proposed Right-of-Way	Proposed Right-of-Way

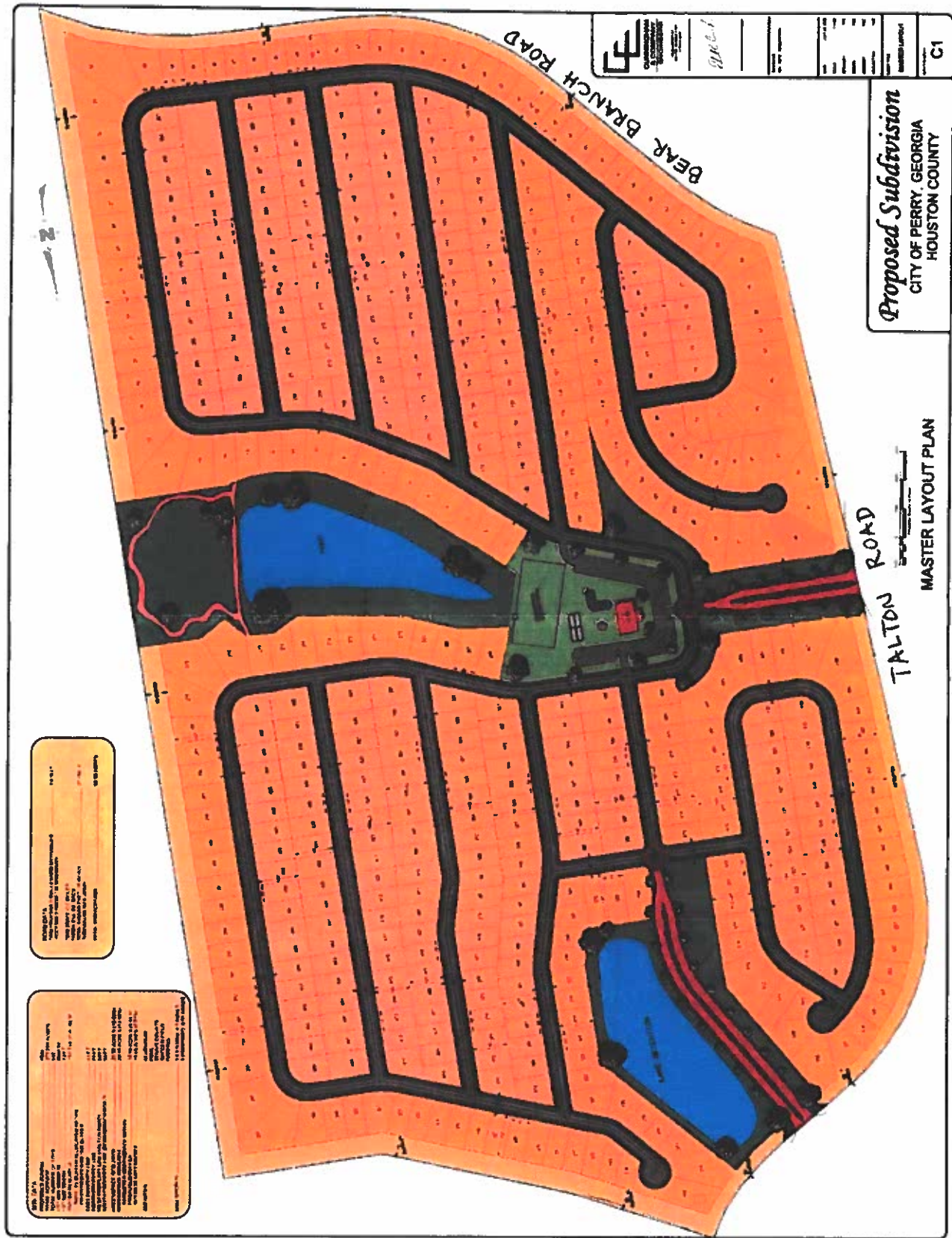
Zoning Plat

 <p>SCALE: 1" = 100'</p>	 <p>BE BRYANT ENGINEERING</p>	<p>PROJECT: TALTON ROAD SUBDIVISION</p>	<p>DATE: 11/17/11</p>	<p>SCALE: 1" = 100'</p>	<p>PROJECT NO: 11-001</p>
		<p>CLIENT: [REDACTED]</p>			



PROPOSED CONCEPT
 ~450 lots, 1 entrance each on Talton Rd and Bear Branch

OWNER:
 [REDACTED]



APPROVED PLAN
545 Lots, 2 entrances on Talton Road



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STAFF REPORT

May 13, 2020

CASE NUMBER: ANNX-49-2020
APPLICANT: Lee Wingate for Wingate Custom Homes
REQUEST: Annex and Rezone from RAG (county) to R-2A (City)
LOCATION: 2162 Kings Chapel Road, Tax Map No. 000830 034000

ADJACENT ZONING/LANDUSES:

Subject Parcel: RAG, Residential-Agricultural District (county); undeveloped
North: RAG (County); farm land
South: RAG (county); farm land
East: RAG (county); farm land
West: R-2A (City); undeveloped (planned for single-family residential subdivision)

BACKGROUND INFORMATION: The applicant is under contract to purchase the adjacent property to the west for development of a single-family residential subdivision. He proposes to annex the subject property into the City of Perry to accommodate a 2nd phase of the subdivision. A conceptual layout indicates approximately 70 lots could be developed on the subject 28.26 acre parcel. The applicant requests a city zoning classification of R-2A, Single-family Residential District, to be consistent with the adjoining city property. This district requires a minimum lot area of 12,000 square feet.

STANDARDS FOR ESTABLISHING A ZONING CLASSIFICATION:

- 1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?** The applicant indicates there are no covenants or restrictions pertaining to the property which would preclude single-family residential uses.
- 2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.** The properties along Kings Chapel Road and the surrounding area are developed as single-family residences on large lots, single-family residential subdivisions, and agricultural uses. The R-2A zoning classification allows uses similar to the existing residential uses in the area.
- 3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.** The proposed R-2A zoning classification should not adversely affect surrounding properties as it is limited to uses similar to those existing and allowed on surrounding properties.
- 4. Describe how the proposed zoning district is consistent with the Comprehensive Plan.** The subject property and surrounding area is identified as "Suburban Residential" in the 2017 Joint Comprehensive Plan. The R-2A zoning classification conforms to the intended land use pattern of the Plan.

5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services. The conceptual layout of the proposed subdivision, including the property to the west of the subject, provides connection to Kings Chapel Road, where a right-turn lane is proposed. The Houston County Commissioners will require a study to determine if additional improvements are needed. The subdivision will also have connection to Gurr Road and U.S. 341 via Stonebridge Subdivision. City sewer will be connected via a line extension in Stonebridge. The County will provide water service with a master meter.
6. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district. There is a growing demand for residential development on the eastside of Perry because of the excellent schools in the area.

STAFF RECOMMENDATION: Staff recommends approval of the application to annex and rezone to R-2A, Single-family Residential District.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the application, based on Staff's report and recommendation.



Eric Z. Edwards, Chairman, Planning Commission

6/15/20

Date



Where Georgia comes together.

Application for Annexation
Contact Community Development (478) 988-2720

Application # Annex 49-
2020

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Wingate Custom Homes, Lee Wingate	Jonathan E Hayes
*Title	Owner	Owner
*Address	817 GA-247 #10, Kathleen, GA 31047	307 Hunts Landing Drive, Kathleen, GA 31047
*Phone	478-538-1009	706-255-6253
*Email	Leew.wingate@gmail.com	Jonathan@hayescustomhomesga.com

Property Information

*Street Address or Location	2162 Kings Chapel Road
*Tax Map #(s)	000830034000
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property and/or a proposed site plan; C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.

Request

*Current County Zoning District	HC-RAG	*Proposed City Zoning District	R2A
*Please describe the existing and proposed use of the property Currently the property is mostly vacant land and has been previously used as residential agricultural. Proposed uses for the property include Phase 2 of Sadie Heights Subdivision currently in the design phase which is located adjacent to the parcel to the west. Access to this property will be through Phase 1 of Sadie Heights.			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
 - Fees:
 - Residential - \$135.00 plus \$15.00/acre (maximum \$1,600.00)
 - Planned Development - \$155.00 plus \$15.00/acre (maximum \$2,800.00)
 - Commercial/Industrial - \$235.00 plus \$22.00/acre (maximum \$3,000.00)
 - The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the requested zoning classification meets these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
 - The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
 - Annexation 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.
 - The applicant must be present at the hearings to present the application and answer questions that may arise.
 - Campaign Notice required by O.C.G.A. Section 36-87A-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.

8. 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.

9. Signatures:

*Applicant <i>Chad R. Best</i>	Date 4/8/20
*Property Owner/Authorized Agent <i>[Signature]</i>	Date 4/8/20

Standards for Granting a Zoning Classification

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? **None**

2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.

The property is a second phase of an adjacent tract totaling 44 acres and zoned R2A.

3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
The surrounding properties are currently in the process of being developed. This property is in an area that is expanding in residential development towards the west. Remaining property surrounding this tract is mostly farmland.

4. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
The proposed zoning district is for residential use which is consistent with the Comprehensive Plan.

5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
The parcel will have access to Kings Chapel Road and connect to the south back to Gurr Road. This development will provide interconnectivity for faster emergency response rates. Traffic patterns will be dispersed north and south. Sanitary Sewer will be provided through Stonebridge to the south which is the direction suggested by City Engineering.

6. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.
The surrounding properties are currently in the process of being developed. This property is in an area that is expanding in residential development towards the west. Remaining property surrounding this tract is mostly farmland with great potential for future residential development.

For Office Use (receipt code 204.1)

Date received 4/8/20	Fee paid paid	Date deemed complete 4/10/20	Public Notice Sign done	Legal Ad 6/17/20	County Notification 4/13/20
Notice to Applicant 4/6/20	Routed to PC 4/6/20	Date of PC 4/8/20	Date of Public Hearing 7/7/20	Date of Council action 7/21/20	Notice of action



Doc ID: 018812170002 Type: GLA
 Recorded: 05/15/2019 at 04:57:46 PM
 Fee Amt: \$197.00 Page 1 of 2
 Transfer Tax: \$188.00
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk

8180 Pg 120-121

(Above space for recording officer use.)

After recording return to:

File No.: P19-217

WHGM

WALKER HULBERT GRAY & MOORE, LLP

P. O. Box 1770 / 909 Ball Street

Perry, Georgia 31069

Attorney: JOHN W. HULBERT

STATE OF GEORGIA
 COUNTY OF HOUSTON

WARRANTY DEED

THIS INDENTURE, Made the 15 day of May, in the year two thousand nineteen (2019),
 between

LAYNE INVESTMENT GROUP, LLC
 a Georgia limited liability company

existing under the laws of the State of Georgia, as party or parties of the first part, hereinafter called
 Grantor,

and **JONATHAN E. HAYES**

of the County of Houston and State of Georgia, as party or parties of the second part, hereinafter
 called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and
 assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and Valuable
 Considerations and Ten (\$10.00) and NO/100-----DOLLARS,
 before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has
 granted, bargained, sold, alienated, conveyed and confirmed and by these presents does grant,
 bargain, sell, alien, convey or confirm unto the said Grantee, ALL OF THE FOLLOWING
 DESCRIBED PROPERTY, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 176 of the
 Tenth (10th) Land District of Houston County, Georgia, comprising 72.40 acres,
 as more particularly shown on a plat of survey designated as "Property of
 Bennie B. Collier" prepared by Milton V. Beckham, Surveyor, on April 24,
 1972, a copy of said plat being of record in Plat Book 25, Page 185, Clerk's
 Office, Houston Superior Court. Said plat and the record thereof are
 incorporated herein by reference for all purposes.

LESS AND EXCEPT: All that tract or parcel of land situate, lying and being
 in Land Lot 176 of the Tenth (10th) Land District of Houston County, Georgia,
 comprising 44.14 acres, as is more particularly shown on Plat Book 30, Page 5,
 Clerk's Office, Houston Superior Court. This less and except property was

conveyed to Tom Chapman by Warranty Deed, dated May 13, 1986 being filed of record in Deed Book 719, Page 120, Clerk's Office, Houston Superior Court.

Deed Reference: Deed Book 7663, Page 317, said Clerk's Office
Tax Map Parcel No. 83-34
Street Address: 2162 Kings Chapel Road, Perry, GA 31069

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor warrants and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

LAYNE INVESTMENT GROUP, LLC
a Georgia limited liability company

By: Joshua Hall
JOSHUA HALL, Managing Member

Signed, sealed and delivered
in the presence of:

[ORGANIZATIONAL SEAL]

Kathryn Pelley
Witness

Heather N. Jordan
Notary Public
My Commission Expires: _____



[Notary Seal]





Houston County Commissioners

Serving All of Houston County

Office

200 Carl Vinson Parkway
Warner Robins, GA 31088
478-542-2115
FAX 478-923-5697
www.houstoncountyga.org

Commissioners

Tommy Stalnaker
Chairman

Thomas J. McMichael
Gail C. Robinson
Larry Thomson
H. Jay Walker, III

Staff

Barry Holland
Director of
Administration

K. Thomas Hall
County Attorney

May 7, 2020

Bryan Wood, Director
Community Development
P.O. Box 2030
Perry, GA 31069

Dear Mr. Wood:

The Board of Commissioners met on May 5, 2020 and concurred with the City of Perrys' request to annex property totaling 28.26 acres containing Tax Parcel #000830 003400 known as 2162 Kings Chapel Road with the following stipulations:

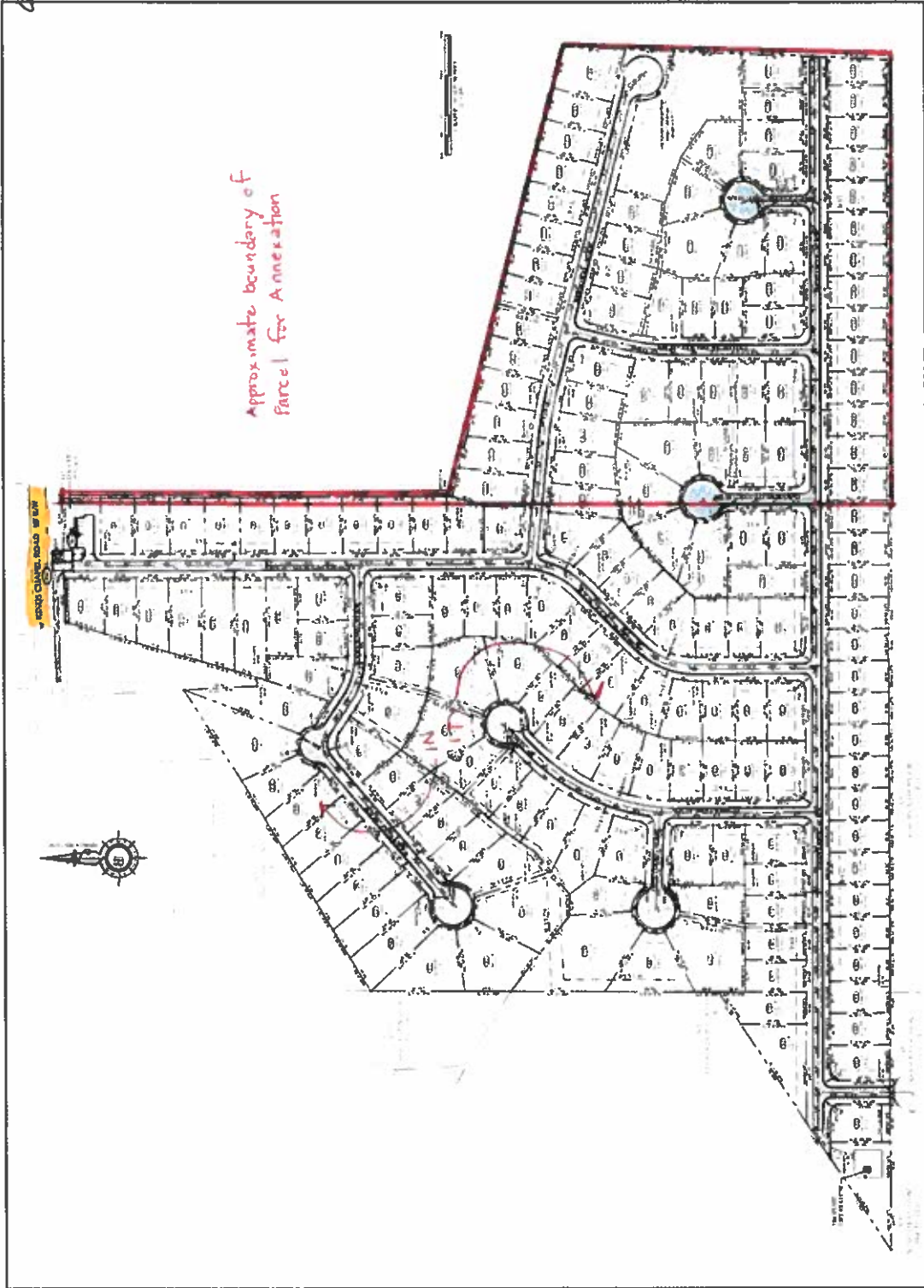
- ❖ Development will be serviced by Houston County Water with a master meter installed.
- ❖ A hydraulic study will be undertaken.
- ❖ A study for the Kings Chapel Road tie-in for this development will be done to see if turn lanes or deceleration lanes are necessary.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink that reads "Dawn Ramirez Wilkins".

Dawn Ramirez Wilkins
Administrative Assistant
Houston County Board of Commissioners



*Approximate boundary of
 parcel for Annexation*

10000 CLARK ROAD 100' SW





April 13, 2020

Houston County Board of Commissioners
200 Carl Vinson Parkway
Warner Robins, Georgia 31088

CERTIFIED MAIL

Dear Commissioners,

Please be advised the City of Perry, Georgia, has received an application requesting annexation into our jurisdiction for the property listed below:

Property is located at 2162 Kings Chapel Road; (HC000830 003400) 28.26 acres

Legal description as attached labeled Exhibit A

Current zoning for this property within Houston County is R-AG. The request is for annexation into the City of Perry R-2A, Single Family Residential. The property is currently undeveloped and is proposed for single family residential dwellings.

Pursuant to O.C.G.A. § 36-66-4 a public hearing on zoning of the property to be annexed as noted above will be held at 6:00PM, July 07, 2020 at Perry City Hall. If the county has any objection under O.C.G.A. § 36-36-113, in accordance with the objection and resolution process, you must notify the City of Perry Community Development Department within thirty (30) calendar days of this notice.

Best Regards,

Bryan Wood, Director
Community Development

Enclosures



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
May 12, 2020 revised June 22, 2020

CASE NUMBER: RZNE-61-2020
APPLICANT: The City of Perry
REQUEST: Text Amendment to Revise the Procedures and Standards for Murals

STAFF COMMENTS on the REVISED AMENDMENT: Based on the Planning Commission's concern that it was not the appropriate body to review and act on Mural Permits as originally proposed, Staff was directed to modify the proposed procedures. The proposed standards for evaluating murals have not changed. The revised amendment establishes the Main Street Advisory Board the decision-making body on applications for mural permit, if the mural is to be located within the Downtown Development Overlay District. Applications for mural permit for a mural to be located outside the Downtown Development Overlay District will be reviewed and decided by the Administrator of the LMO. Appeals from both decision-making bodies will go to City Council. Extension of a mural permit will be the purview of the original decision-making body.

STAFF ANALYSIS: Recently the City received a request to paint a mural on a building downtown. As this was the first request for a mural, Staff and City Council realized the inadequacies of the current procedures and standards. These concerns were echoed by the Perry Public Arts Commission and the Main Street Advisory Board, both of which reviewed the recent mural. City Council requested Staff prepare a text amendment to address these concerns.

The proposed amendment removes murals from the sign regulations and establishes a separate Mural Permit.

Council asked Staff to develop objective standards for evaluating a mural. To the extent that standards for art can be objective, we have proposed 12 standards that address the artwork and its relation to the community and the structure on which it is proposed. Five additional standards address the mural's construction and maintenance. These standards were developed following a search of mural standards from communities around the country. Staff also found a great document discussing preparation of the painting surface and paint systems for murals which we have incorporated into the application for a mural permit.

The proposed amendment allows the decision-making body to place conditions on a mural permit and to prescribe a time frame within which a mural must be started and or completed. If no such time frame is established by the decision-making body, the ordinance sets a default time frame of 90 days from the date of approval for completion of the mural. The mural permit is valid for three years from the date of approval, with the option for original decision-making body to extend the permit for additional time, depending on the condition and maintenance of the mural.

Under the proposal, the maintenance of a mural becomes the responsibility of the property owner. The City will treat a mural which has fallen into disrepair as a violation, providing written notice to the property owner and a 30 day period to make necessary repairs. If not repaired the City, reserves the right to repair or remove the mural at the property owner's expense.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the text amendment, as revised.



Eric Z. Edwards, Chairman, Planning Commission

9/30/20

Date



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
May 12, 2020 revised June 22, 2020

CASE NUMBER: RZNE-62-2020
APPLICANT: The City of Perry
REQUEST: Text Amendment to Revise Section regarding cul-de-sac Dimensions and to Remove References to the International Fire Code

STAFF ANALYSIS: Following a legal review, City Council directed Staff to revise any City standards which exceed the standards in the minimum codes required by the Georgia Department of Community Affairs. This proposed amendment responds to that directive.

Appendix D of the International Fire Code (IFC) is now part of the minimum requirements per Georgia Amendments listed below. Therefore, no modification of the current standards regarding cul-de-sac diameter is proposed – the minimum diameter of cul-de-sac bulbs will remain at 97 feet; right-of-way diameter at cul-de-sac bulbs will remain at 120 feet. For the purpose of cleaning up existing language, however, Subsections 6-10.2(E), and 6-11.2(A)(2)(c) of the Land Management Ordinance have been revised to reference Subsection 6-10.10(C) which references Appendix D of the IFC. This provides only one reference to a separate code which may be revised in the future.

The proposed amendment also removes Section 6-10.13 in its entirety. This section, regarding fire protection standards, is comprised of certain sections copied from the IFC. Some are minimum standards and some exceed minimum standards. In either case, the Land Management Ordinance should not include provisions from other codes that are subject to change.

The IFC with Georgia Amendments requires all parts of buildings to be within 500 feet of a fire hydrant. 400 feet had been the previous minimum. The City of Perry had modified this distance to be 500 feet in residential developments and 300 feet in commercial development. Result of the proposed amendment will require all parts of any building to be within 500 feet of a fire hydrant.

At the informational hearing, the Fire Marshal will present reasons to maintain the 300 foot requirement in commercial developments.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends denial of the text amendment, as proposed. The Commission recommends retaining the current language in Sec. 6-10.13(C)(2)(a) regarding where fire hydrants are required. The Commission recommends approval of the proposed changes to Secs. 6-10.2(E), 6-11.2(A)(2)(c) and 6-10.10(C) regarding cul-de-sac dimensions.

The Planning Commission recommends Council adopt Appendices B, C, and D of the International Fire Code.

Eric Z. Edwards, Chairman, Planning Commission

6/30/20

Date

**MINUTES
WORK SESSION
OF THE PERRY CITY COUNCIL
June 15, 2020
5:00 P.M.**

1. **Call to Order:** Mayor Randall Walker, Presiding Officer, called to order the work session meeting held June 15, 2020, at 5:00 p.m.

2. **Roll:**

Elected Officials Present: Mayor Randall Walker, Mayor Pro-Tempore Willie King and Council Members Robert Jones, Joy Peterson, Darryl Albritton and Riley Hunt.

Elected Officials Absent: Council Member Phyllis Bynum-Grace

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, Brooke Newby and Recording Clerk Gail Price.

City Departmental Staffing: Chief Steve Lynn – Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Mitchell Worthington – Finance Director, Bryan Wood – Director of Community Development, Sedrick Swan – Leisure Services Director, Tabitha Clark – Communications Manager, Haley Bryant – Main Street Coordinator, and Maria Herrera – Executive Secretary.

Guest(s): Ms. Ellen Palmer – Perry Chamber

Press: Lauren Harris – Houston Home Journal

3. **Items of Review/Discussion:** Mayor Randall Walker

3a. **Appearance(s):**

1. **Discussion relative to 203 South Street.** Mr. Ayers requested the City continue to let ALON use the building at 203 South Street. Mayor Walker stated that the City does not own the building and he should contact Houston County Land Bank.

3b. **Finance Department**

1. **Capitalization Policy Revision:** Mr. Worthington presented a PowerPoint of the policy revision. This item will be added to Council's June 16 agenda.

3c. **Office of the City Manager**

1. Loaves and Fishes support request: Mr. Smith reported the City provides two to three men, a dump truck and trailer to assist in getting food from Macon to feed people in Perry. Due to COVID-19 the City had to discontinue services. Recently, the City received a request from Loaves and Fishes to pursue providing assistance. The City has been advised that continuing to provide assistance with no formal agreement would violate the State Gratuity Clause. Council tabled this item.
2. Consider development requirements relative to major commercial intersections: Mr. Gilmour requested that this be pulled until the next work session.
3. Suggested City green areas policy: Administration discussed the City's green areas. Administration recommends Council adopt the recommendations concerning City green areas. A resolution will be presented for consideration at the June 16 meeting.

Downtown COVID-19 Response: Ms. Bryant presented a PowerPoint on Tactical Urbanism. The plan is to define strategic locations for parklets and additional seating for the community and visitors. Ms. Bryant discussed the benefits of parklets: 1) support local business and economy, 2) increase walkability, 3) foster neighborhood interaction, 4) increase available "Green Space" within our downtown, and 5) plan for the future and reimagine the potential of city streets. Council concurred to move forward with parklets in the downtown area.

3d. Department of Community Development

1. Discussion of Sadie Heights greenspace donation: Mr. Wood presented a request for donation of property. Council had some questions relative to uses of the property during the last discussion. The remaining question is the location of the pump station. Council Member Peterson asked if the redraft of the proposal address all the concerns Council had. Mr. Gilmour stated that the site plan met the criteria that Council discussed. Mr. Gilmour recommended to Council if it is in favor to pass a resolution at its June 16 meeting.

3e. Department of Leisure Services

1. Leadership Perry Class Project at Creekwood Park: Mr. Swan presented a PowerPoint of the Creekwood Traffic Park project. Council concurred with moving forward with the concept of Mr. Swan's presentation.

3f. Perry Police Department

1. Clarify definition of donation relative to Animal Control: Chief Lynn clarified the definition of donation relative to Animal Control. Chief Lynn stated the stipulations for the City to accept the animal were if the citizen was in the military, nursing facility, deceased or sick, mentally ill and

financial. Administration recommended that the animal will not be accepted unless it meets the criteria. Council concurred with Administration's recommendation.

2. Discussion of the neighborhood watch program: Chief Lynn explained the neighborhood watch process. Chief Lynn stated that neighborhood watch program was the oldest crime prevention program. Mayor Walker asked if there are any other programs like this. Chief Lynn stated he was not aware of any other programs.

4. Council Members Items:

Council Member Hunt

- Asked Mr. Wood to check on car sitting in the front yard at 180 Tucker Road.
- Welcome Park has weeds growing in shrubbery.

Council Member Peterson – Request from residents in Stonebridge for traffic device and appreciates what Mr. Wood is doing.

Council Member Albritton – Inquired about the status of Rozar Park. Mr. Gilmour responded City of Perry facilities will be opening July 1, 2020 this includes playgrounds, restrooms, and renting the Perry Art Center.

Council Member Jones –

- Received called about trash pickup next to dumpster downtown. Mr. Gilmour stated a plan is being finalized for Council's approval.
- Thanked the Perry Police Department for time during a ride-a-long.

5. Department Head/Staff Items:

Mr. Wood – stated that the Code Enforcement Officer was out early this morning digging through trash to see who it belonged to. The business owners were not aware that their employees were putting trash in the dumpster.

Chief Parker – Offered Council Member Jones a ride-a-long with the Fire Department.

Chief Lynn –

- Thanked Council Member Jones for the shoutout and expended the offer to everyone.
- Attended the Houston Chapter NAACP March on June 13, 2020.

Ms. Palmer – Invited everyone to the Drive In Fireworks show July 25, 2020.

6. Executive Session entered at 6:31 pm: Mayor Pro-Tempore King moved to adjourn the work session and entered into an executive session for the purpose of real estate acquisition. Council Member Albritton seconded the motion and it carried unanimously.

7. Executive Session adjourned 6:40 p.m.: Council's work session reconvened. Council adjourned the executive session held June 15, 2020 and reconvened into the Council's work session.
8. Adopted Resolution No. 2020-30 stating purpose of Executive Session held June 15, 2020 was for real estate acquisition. Council Member Peterson moved to adopt a resolution stating the purpose of executive session held on June 15, 2020 was to discuss real estate acquisition. Council Member Jones seconded the motion and it carried unanimously. No action was taken. (*Resolution 2020-30 had been entered in the City's official book of record*).
9. Council continued its work session by discussing the Mims claim. No action was taken.
10. Adjourn. There being no further business to come before Council in the reconvened work session held June 15, 2020 Council Member Albritton motioned to adjourn the meeting at 6:55 p.m. Council Member Hunt seconded the motion and it carried unanimously.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
June 16, 2020
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held June 16, 2020 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker, Mayor Pro Tempore Willie King and Council Members Joy Peterson, Robert Jones, Darryl Albritton, and Riley Hunt.

Elected Official Absent: Council Member Phyllis Bynum-Grace

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

Departmental Staffing: Brenda King - Director of Administration, Bryan Wood – Director of Community Development, Mitchell Worthington – Finance Director – Sedrick Swan – Director of Leisure Services, Chief Steve Lynn – Perry Police Department, Chief Lee Parker - Fire and Emergency Services Department, Fire Marshall Michael Paul – Fire and Emergency Services Department, Maria Herrera – Executive Secretary and Tabitha Clark – Communications Manager.

Media: Lauren Harris – Houston Home Journal

3. Items of Review/Discussion: Mayor Randall Walker

3a. Discussion of June 16, 2020 council meeting agenda.

4a. Perry Downtown Development Authority – Ms. Trish Cossart. Mayor Walker is appointing Trish Cossart to the Perry Downtown Development Authority to fill the seat left vacant by Chad Bryant who resigned from the Authority.

7a. Revocation and non-issuance of business licenses. Administration reviewed the process relative to the revocation and non-issuance of business licenses.

9a. (1) Second Reading of an ordinance adopting FY 2021 Operating Budget for the City of Perry. Administration recommended adoption of the FY2021 Operation Budget.

11a. (2) Resolution establishing green areas criteria for the City of Perry. Administration recommended adoption of the resolution.

11a. (3) Resolution to accept a donation of property from Cherokee Pecan Co., Inc. Ms. Newby's recommendation to accept the property as a donation as outlined on the site plan.

11b. (1) Resolution amending the City of Perry Position Classification Plan. Administration advised this is a resolution setting the pay ranges for the upcoming FY2021 for all job classifications that are not required to be established by ordinance in the Charter and recommended adoption.

11b. (2) Resolution approving, and authorizing execution of the GEFA Second Modification of Promissory Note and Loan Agreement. Ms. Newby reviewed the GEFA Loan Agreement and advised this is a second modification changing the completion date, for the decommissioning of a water treatment plant, two wells and the constructing of a new water treatment plant and two wells and related purposes.

11c. Cancellation/non-issuance of City business licenses. Mayor Walker stated the City is cancelling/non-issuance business licenses of business that are delinquent. If the business is operating, the business owner will be notified to cease and desist. If it is a home based business, the Department of Community Development will notify the business owner. Administration advised the business whose business license is cancelled/non-issuance will have to come before Council at its next meeting to ask for forgiveness to reactivate it business license.

4. Council Member Items:

Council Member Peterson brought to Mayor and Council's attention concerns relative to door to door solicitation in the neighborhoods. Council Peterson advised she spoke to Chief Lynn relative this concern.

Mayor and Council discussed potential dates for the Public Works Superintendent interviews. Council concurred to interview the candidates on June 25, at 5 pm at the Worrall Center.

5. Adjournment: There being no further business to come before Council in the pre council meeting held June 16, 2020, Council Member Hunt motioned to adjourn the meeting at 5:21 p.m. Council Member Peterson seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
June 16, 2020
6:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held June 16, 2020 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Willie King, Council Members Darryl Albritton, Riley Hunt, Robert Jones, and Joy Peterson.

Elected Officials Absent: Council Member Phyllis Bynum-Grace

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

Departmental Staffing: Brenda King - Director of Administration, Bryan Wood – Director of Community Development, Mitchell Worthington – Finance Director – Sedrick Swan – Director of Leisure Services, Chief Steve Lynn – Perry Police Department, Chief Lee Parker - Fire and Emergency Services Department, Fire Marshall Michael Paull – Fire and Emergency Services Department, Maria Herrera – Executive Secretary and Tabitha Clark – Communications Manager.

Media: Lauren Harris – Houston Home Journal

3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker

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

4. Mayor Appointment(s).

4a. Perry Downtown Development Authority – Ms. Trish Cossart

Mayor Walker entertained a motion to appoint Ms. Trish Cossart to the Perry Downtown Development Authority. Council Member Jones motioned to appoint Ms. Trish Cossart to the Perry Downtown Development Authority; Council Member Albritton seconded the motion and it carried unanimously.

5. Community Partner(s) Update(s): none

6. Citizens with Input. none

7. PUBLIC HEARING CALLED TO ORDER AT 6:03 P.M. Mayor Randall Walker called to order a public hearing at 6:03 p.m. to provide any interested parties with an

opportunity to express their views and concerns in accordance with § 15-3 of the Code of the City of Perry, Georgia.

- 7a. Revocation and non-issuance of business licenses. Mayor Walker advised he would read individually the name of each business.

Staff Report: Administration stated the businesses listed on the report have delinquent business licenses.

Public Input: Mayor Walker called for any public input for or opposed to BeFit Perry GA, license number 5540.

For: None

Opposed: None

Public Input: Mayor Walker called for any public input for or opposed to BNB Barber Shop, license number 4261.

For: None

Opposed: None

Public Input: Mayor Walker called for any public input for or opposed to Dominant Pest Solutions, LLC, license number 5563.

For: None

Opposed: None

Public Input: Mayor Walker called for any public input for or opposed to Farm Fresh, license number 5507.

For: None

Opposed: None

Public Input: Mayor Walker called for any public input for or opposed to Mary Private Helping Hands Care, license number 5501.

For: None

Opposed: None

Public Input: Mayor Walker called for any public input for or opposed to The Conversation Piece & More LLC, license number 5502.

For: None

Opposed: None

PUBLIC HEARING CLOSED AT 6:07 P.M. Mayor Walker closed the public hearing at 6:07 p.m.

8. Review of Minutes: Mayor Randall Walker

- 8a. Council's Consideration – Minutes of the May 26, 2020 budget hearing meeting, May 28, 2020 budget hearing meeting, June 1, 2020 work session, June 2, 2020 pre council meeting, and June 2, 2020 council meeting. *(Council Member Hunt was absent from the May 26, 2020 meeting.)*

Council Member Albritton motioned to accept the minutes as submitted; Council Member Jones seconded the motion and it carried with Council Member Hunt abstaining from the May 26, 2020 meeting.

9. Old Business: Mayor Randall Walker

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

1. **Second Reading** of an ordinance adopting FY 2021 Operating Budget for the City of Perry – Mr. L. Gilmour.

Adopted Ordinance No. 2020-07 adopting FY 2021 Operating Budget for the City of Perry. Council Member Jones moved to adopt the ordinance as presented; Mayor Pro Tempore King seconded the motion and it carried unanimously. *(Ordinance 2020-07 has been entered in the City's official book of record).*

10. Any Other Old Business:

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

11. New Business: Mayor Randall Walker

11a. Matters referred from June 15, 2020 work session and June 16, 2020 pre council meeting.

1. Resolution amending the City of Perry Capitalization Process – Mr. M. Worthington.

Adopted Resolution No. 2020-31 amending the City of Perry's Capitalization Process. Mr. Worthington presented for Council's consideration a resolution amending the City of Perry's Capitalization Process. Mayor Pro Tempore King motioned to adopt the resolution as presented; Council Member Jones seconded the motion and it carried unanimously. *(Resolution 2020-31 has been entered in the City's official book of record).*

2. Resolution establishing green areas criteria for the City of Perry – Mr. L. Gilmour.

Adopted Resolution No. 2020-32 Establishing Classifications and Guidelines for the City's Green Space Areas. Administration presented for Council's consideration a resolution establishing classifications and guidelines for the City's green space areas. Council Member Jones motioned to adopt the resolution as presented; Council Member Albritton seconded the motion and it carried unanimously. *(Resolution 2020-32 has been entered in the City's official book of record).*

3. Resolution to accept a donation of property from Cherokee Pecan Co., Inc. – Ms. B. Newby.

Adopted Resolution No. 2020-33 to Accept Donation of Property from Cherokee Pecan Company, Inc. Ms. Newby stated this is a 3.14 acres tract to accept as a donation subject to construction and installation of City infrastructure as outlined in the site plan. Council Member Jones motioned to adopt the resolution as presented; Mayor Pro Tempore King seconded the motion and it carried unanimously. *(Resolution 2020-33 has been entered in the City's official book of record).*

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

1. Resolution amending the City of Perry's Position Classification Plan – Mr. L. Gilmour.

Adopted Resolution No. 2020-34 amending the City of Perry's Position Classification Plan. Administration stated this resolution establishes the pay ranges of City of Perry's Position Classification Plan and recommends approval. Council Member Albritton motioned to adopt the resolution as presented; Council Member Jones seconded the motion and it carried unanimously. *(Resolution 2020-34 has been entered in the City's official book of record).*

2. Resolution approving, and authorizing execution of the GEFA Second Modification of Promissory Note and Loan Agreement – Ms. B. Newby.

Adopted Resolution No. 2020-35 approving, and authorizing execution of the GEFA Second Modification of Promissory Note and Loan Agreement. Ms. Newby advised this the second modification to the

drinking water State revolving fund administered by the Georgia Environmental Finance Authority. The loan was first taken out December 2017, then amended December 2018. This loan is for the decommissioning of a water treatment plant, two wells and the constructing of a new water treatment plant and two wells and related purposes. The second modification only extends the date of completion out from June 2022 to October 2022. Council Member Jones motioned to adopt the resolution as presented; Council Member Peterson seconded the motion and it carried unanimously. (*Resolution 2020-35 has been entered in the City's official book of record*).

11c. **Cancellation/non-issuance of City business licenses – Mr. L. Gilmour.**

Administration advised this is a request to authorize Administration to proceed with the enforcement mechanisms as provide by State law per the Charter for the businesses not in compliance or that have not settled out through the public hearing. Mayor Pro Tempore King motioned to authorize Administration to proceed with enforcement mechanisms relative to the cancellation/non-issuance of City business licenses reviewed at the public hearing. Council Member Jones seconded the motion and it carried unanimously.

12. **Council Members Items:**

None

13. **Department Heads/Staff Items.**

Mr. Smith reported he sent out an email today to all employees relative to the City “Reopening” and continuing caution.

14. **General Public Items:**

None

15. **Mayor Items:**

- Reported all meetings are open to the public.
- July 6, work session
- July 7, pre council and council

16. **Adjournment.** There being no further business to come before Council in the council meeting held June 16, 2020 Council Member Albritton motioned to adjourn the meeting at 6:25 p.m.; Council Member Hunt seconded the motion and it carried unanimously.

MINUTES
SPECIAL CALLED MEETING
OF THE PERRY CITY COUNCIL
June 25, 2020
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the special called meeting of the Perry City Council held June 25, 2020 at 5:00 p.m.

2. Roll.

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Willie King, and Council Members Phyllis Bynum-Grace, Riley Hunt, Robert Jones, Joy Peterson and Darryl Albritton.

Elected Official Absent: None

Staff: City Manager Lee Gilmour, and Assistant City Manager Robert Smith.

Mayor Walker entertained a motion to enter into executive session for the purpose of personnel.

3. Executive Session entered at 5:05 p.m.: On a motion by Mayor Pro Tempore King, seconded by Council Member Jones and carried unanimously, Council went into executive session for personnel.

4. Executive Session adjourned at 6:43 p.m.; Council's special called meeting reconvened. Council adjourned the executive session held June 25, 2020 and reconvened into the Council's special called meeting.

5. Adopted Resolution No. 2020-36 stating purpose of the executive session held on June 25, 2020 was personnel. On a motion by Council Member Hunt, seconded by Council Member Peterson and carried unanimously adopted a resolution stating the purpose of the executive session held on June 25, 2020 was to discuss personnel. No action was taken. (*Resolution 2020-36 has been entered in the City's official book of record*).

6. Adjournment: On a motion by Council Member Albritton, seconded by Council Member Bynum-Grace and carried unanimously, the reconvened special called meeting of Council held June 25, 2020 was adjourned at 6:45 p.m.

MINUTES
SPECIAL CALLED MEETING
OF THE PERRY CITY COUNCIL
June 29, 2020
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the special called meeting of the Perry City Council held June 29, 2020 at 5:00 p.m.

2. Roll.

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Willie King, and Council Members Phyllis Bynum-Grace, Riley Hunt, Robert Jones, Joy Peterson and Darryl Albritton.

Elected Official Absent: None

Staff: City Manager Lee Gilmour, and Assistant City Manager Robert Smith.

3. Items of Review/Discussion: Mayor Randall Walker

3a. Mayor and Council discussed a special event alcohol permit for the wine merchant in the 900 block of Carroll Street. Council Member Jones motioned to approve a special event alcohol permit for the wine merchant in the 900 block of Carroll Street; Council Member Albritton seconded the motion and it carried unanimously.

Mayor Walker entertained a motion to enter into executive session for the purpose of personnel.

4. Executive Session entered at 5:05 p.m.: On a motion by Council Member Bynum-Grace, seconded by Council Member Jones and carried unanimously, Council went into executive session for personnel.

5. Executive Session adjourned at 7:08 p.m.: Council's special called meeting reconvened. Council adjourned the executive session held June 29, 2020 and reconvened into the Council's special called meeting.

6. Adopted Resolution No. 2020-37 stating purpose of the executive session held on June 29, 2020 was personnel. On a motion by Council Member Peterson, seconded by Mayor Pro Tempore King and carried unanimously adopted a resolution stating the purpose of the executive session held on June 29, 2020 was to discuss personnel. No action was taken. (*Resolution 2020-37 has been entered in the City's official book of record*).

7. Adjournment: On a motion by Council Member Hunt, seconded by Council Member Albritton and carried unanimously, the reconvened special called meeting of Council held June 29, 2020 was adjourned at 7:09 p.m.



Where Georgia comes together.

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor/ Council

FROM: ^{LS} Lee Gilmour, City Manager

DATE: 6.30.20

RE: Business license approval

At your 6.16.20 meeting you approved not issuing 2020 business licenses to organizations that were delinquent in paying the 2020 license fees. The below organizations have settled with the City and are recommended to be issued their business license.

The Conversation Piece & More, LLC

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry PUD, Planned Unit Development, to City of Perry to R2-A, Single-family Residential, and the city's zoning map is amended accordingly relative to property of ELIZABETH P. TALTON described as follows:

All that tract or parcel of land situate, lying and being in Land Lots 212 and 213 of the Tenth (10th) Land District, Houston County, Georgia, designated as "Tract B" and containing 104.58 acres as is more particularly shown on a plat of survey prepared by Marty McLeod, Georgia Registered Land Surveyor No. _____, dated May 5, 2020 and recorded in Plat Book ____, page ____, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

Said zoning and use of the property shall be restricted as follows:

- 1. Residential use shall be limited to single-family detached dwellings only.**

SO ENACTED this 21st day of July, 2020.

CITY OF PERRY, GEORGIA

**BY: _____
RANDALL WALKER, Mayor**

**ATTEST: _____
ANNIE WARREN, City Clerk**

**1st Reading: July 7, 2020
2nd Reading: July 21, 2020**

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry PUD, Planned Unit Development, to City of Perry R-3, Multi-family Residential, and the city's zoning map is amended accordingly relative to property of ELIZABETH P. TALTON described as follows:

All that tract or parcel of land situate, lying and being in Land Lots 212 and 213 of the Tenth (10th) Land District, Houston County, Georgia designated as "Tract A" containing 119.22 acres as is more particularly shown on a plat of survey prepared by Marty McLeod, Georgia Registered Land Surveyor No. ____, dated May 5, 2020 and recorded in Plat Book ____, page ____, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

Said zoning and use of the property shall be restricted as follows:

- 1. Residential use shall be limited to single-family detached dwellings only.**

SO ENACTED this 21st day of July, 2020.

CITY OF PERRY, GEORGIA

**BY: _____
RANDALL WALKER, Mayor**

**ATTEST: _____
ANNIE WARREN, City Clerk**

**1st Reading: July 7, 2020
2nd Reading: July 21, 2020**

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS as follows:

WHEREAS, proper application to annex property to the City of Perry, Georgia has been made by Wingate Custom Homes through Lee Wingate, on behalf of Jonathan E. Hayes, the owner of the land hereinafter described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 176 of the Tenth (10th) Land District of Houston County, Georgia, comprising 72.40 acres, as more particularly shown on a plat of survey designated as "Property of Bennie B. Collier" prepared by Milton V. Beckham, Surveyor, on April 24, 1972, a copy of said plat being of record in Plat Book 25, Page 185, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

LESS AND EXCEPT: All that tract or parcel of land situate, lying and being Land Lot 176 of the Tenth (10th) Land District of Houston County, Georgia, comprising 44.14 acres, as is more particularly shown on Plat Book 30, Page 5, Clerk's Office, Houston Superior Court. This less and except property was conveyed to Tom Chapman by Warranty Deed, dated May 13, 1986 being filed of record in Deed Book 719, Page 120, Clerk's Office, Houston Superior Court.

**Deed Reference: Deed Book 7663, Page 317, said Clerk's Office
Tax Map Parcel No. 83-34
Street Address: 2162 Kings Chapel Road, Perry, GA 31069**

Said tract is annexed subject to the conditions that the property will be serviced by Houston County Water with a master meter installed, a hydraulic study will be undertaken for the property, and a study for the Kings Chapel Road tie-in will be performed to determine if turn lanes or deceleration lanes are necessary.

NOW THEREFORE, pursuant to the act of the General Assembly of the State of Georgia 1962, Page 119; 1969, Page 504 the following described property is annexed to the City of Perry and the precinct boundary is changed accordingly.

This annexation shall become effective for ad valorem tax purposes on December 31, 2020, and for all other purposes shall become effective on August 1st, 2020.

SO ENACTED this 21st day of July, 2020.

CITY OF PERRY, GEORGIA

(SEAL) BY: _____
RANDALL WALKER, MAYOR

ATTEST: _____
ANNIE WARREN, CITY CLERK

1st Reading: July 7, 2020

2nd Reading: July 21, 2020

ORDINANCE

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

1.

By amending Section 1-13, *Definitions* of Article 1 of the Land Management Ordinance of the City of Perry to add the definition of "*Mural*" as follows:

Mural means a painting, mosaic, fresco, or other permanent artwork attached to or applied directly to the outside of a structure.

2.

By replacing Section 2-1.3 of Article 2 of the Land Management Ordinance to read as follows:

2-1.3. *Main Street Advisory Board*. In addition to the provisions of Chapter 2, Article V, Division 5 of the Code of the City of Perry, Georgia, within the downtown development overlay district, the main street advisory board is authorized to:

- (A) Review and act on applications for Mural Permits; and
- (B) Provide recommendations on Certificates of Appropriateness to the administrator.

3.

By adding a new Section 2-3.14, *Mural Permit* of Article 2 of the Land Management Ordinance to read as follows:

2-3.14. *Mural permit*.

(A) *Purpose*. Because murals on exterior walls become de facto public art, the purpose of a mural permit is to provide a reasonable process of review that safeguards both the interests of the community and those of the individual building/property owner. The standards for evaluating murals are designed to assure that murals within the City of Perry enhance the community's appearance, promote its history, economic development and agri-tourism, without confusing drivers and pedestrians or causing any other negative impact on public safety or welfare.

(B) *Authority*.

- (1) *Main street advisory board*. The main street advisory board is authorized to review and decide on an application for a mural permit pursuant to this section when the mural is to be located in the downtown development overlay district.
- (2) *Administrator*. The administrator is authorized to review and decide on an application for a mural permit pursuant to this section when the mural is to be located outside the downtown development overlay district.

(C) *Procedures*.

- (1) *Initial submission of application*. Application for mural permit shall be submitted to the administrator in the form established by the administrator.
- (2) *Review and action by the main street advisory board*. The main street advisory board shall consider an application for mural permit at a regularly-scheduled meeting of the board, or a meeting called for such purpose. The main street advisory board shall consider the application, the relevant support materials, the staff report, and information presented at the meeting. The main street advisory board shall approve, approve with modifications, approve with conditions, or disapprove the application based on the standards in subsection 2-3.14(D), Standards.

- (3) *Review and action by the administrator.* The administrator shall review and take action on the application for mural permit consistent with the procedures and requirements of subsection 2-1.4, duties and powers of the administrator and on the standards in subsection 2-3.14(D), Standards. The administrator may solicit advice from individuals, boards, or other organizations as he deems necessary to carry out the provisions of this section.

(D) *Standards.* A mural permit shall be approved only upon a finding that the applicant has demonstrated all of the following standards are met:

(1) *Content, design and location.*

- (a) A mural shall not be a sign which includes words, letters, figures, symbols, or logos which advertise, identify, direct or attract attention to a business, institution, organization, person, idea, product, or service. Directional elements, such as super graphics, signage and color-coding shall not be allowed, except where these elements are an integral part of the work of art. Work that portrays school, team, corporate or organizational mascots, and art that has singularly religious or sectarian purposes shall not be allowed. The mural artist's signature may appear, provided that it is not so prominent as to detract from the mural display.
- (b) Murals shall have relevance to the building, the neighborhood or to Perry, its values, culture, and people, and contribute to the fabric of the city. Murals should be based on the natural beauty of Perry and its surroundings; Perry's history or historic figures; local agriculture; or other relevant themes.
- (c) Murals must be of appropriate scale. Mural size shall be determined by the wall surface to be covered. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface, but not so large as to overwhelm the local streetscape.
- (d) A mural must be composed of one cohesive design, not disparate elements. Generally, only one mural will be permitted per structure.
- (e) Colors, though vibrant, should be complimentary and harmonious with the exterior colors of the building structure, as well as consistent with the chosen theme. Neon, fluorescent, or reflective-type paints or materials are discouraged. In the Downtown Development Overlay District colors should complement the approved color palette for this district.
- (f) A mural shall be an original work of art. If the artwork is a multiple, it will only be accepted if it is a limited edition. Reproductions; unlimited editions; decorative, ornamental and functional elements of architecture shall not be allowed.
- (g) Relationship to the building on which a mural is proposed. A mural, by its design, construction, and location, shall not obscure or detract from the significant architectural features of the building structure; nor should the building's architecture be altered to accommodate the mural. A mural should not obscure windows or entranceways.
- (h) A mural may be painted on an appropriate substrate and attached to the building. A mural should not be painted on a brick or stone wall that has not been previously painted.
- (i) A mural, by its design, construction, and location, shall not have an adverse impact on adjacent properties or permitted uses. It should not be so large as to overwhelm adjacent architecture or become a visual distraction.
- (j) A mural shall not be located in a residential zoning district.
- (k) A mural should be located in a site where it will enhance and activate the pedestrian and the streetscape experience. The proposed site should be one with high levels of pedestrian traffic and is part of the city's circulation paths or should help to create a place of congregation and activity. A map of appropriate locations for murals may be provided by the City.
- (l) A mural should not cause distraction for pedestrians or drivers, nor should it cause any other negative impact on public safety and welfare.

(2) *Construction and Maintenance.*

- (a) The mural shall be designed and painted by a qualified artist/muralist with a successful track record of construction and installation of murals.

- (b) Murals shall be well designed and incorporate high-quality materials that enhance the overall appearance of the site. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Materials shall be long-lasting and graffiti-resistant to the greatest extent possible.
- (c) Consideration of the structural and surface soundness, operational costs, and inherent resistance to nuisance, vandalism, weathering and excessive maintenance of the artwork.
- (d) If a substrate material is proposed, the material shall be appropriately weather resistant, and the method of attachment shall not permanently damage the building.
- (e) An acceptable plan for routine maintenance shall be submitted. Routine maintenance of an artwork becomes the responsibility of the owner of the building on which the artwork is located. The artist should develop a maintenance program in coordination with the building owner for the proper long-term care of the artwork.

(E) *Conditions of approval.* In approving a mural permit, the decision-making body may impose restrictions and conditions on the approval and the premises to be altered 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 mural on surrounding lands. The restrictions and conditions imposed must be related in both type and scale to the impact that the proposed mural would have on the public, the particular structure and surrounding lands. All conditions imposed shall be expressly set forth in the permit approval.

(F) *Inspection.* Upon completion of the mural 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 mural permit shall authorize only the particular mural that is approved in the permit. The mural permit shall authorize the approved mural for three (3) years from the permit approval date. The decision-making body may extend the permit in increments not exceeding three (3) years based on condition and maintenance of the mural.

(H) *Expiration.* The decision-making body may prescribe a time limit within which the mural authorized by the permit shall begin or be completed, or both. If a time limit is not prescribed by the decision-making body, the mural authorized by the permit shall be completed within ninety (90) days of the permit approval date.

(I) *Appeal.* An applicant, or other aggrieved party, may appeal the decision of the decision-making body with respect to the issuance of a mural permit to City Council. A written statement documenting the basis of the appeal shall be submitted to the administrator within 30 calendar days of the date of the decision.

(J) *Maintenance.* If, for whatever reason, the mural falls into disrepair, including but not limited to, graffiti, peeling paint, or fading, the building owner shall be notified of the violation in writing and required to make necessary repairs within thirty (30) days. If the repairs are not made within the specified time, the city reserves the right to repair or remove the mural at the building owner's expense. The process found in Section 10-6.4 will be followed.

(K) *Amendment.* A mural permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

4.

By deleting the definition of "*Mural: A mural is any piece of artwork noncommercial in nature painted or applied directly on a wall, ceiling, or other large permanent surface.*" from Section 6-9.2. *Definitions* of Article 6 of the Land Management Ordinance.

5.

By deleting Section 6-9.14, *Murals* of Article 6 of the Land Management Ordinance in its entirety and reserving that Section.

6.

By deleting Section 10-6.4 of Article 10 of the Land Management Ordinance in its entirety and replacing it as follows:

10-6.4 *Additional remedies available for mural violations.* In addition to the remedies and penalties provided in Section 10-6.1, *Remedies and penalties available to city*, and Section 10-6.2, *Private civil relief*, murals that are in violation of the provisions of this chapter shall be subject to the following provisions:

- (A) *Notice of violation.* The administrator may send notice to the owner of the structure upon which the mural is located stating the nature of the violation, and granting an appropriate period of time, not to exceed 30 days, to correct the violation.
- (B) *Costs for Repair or removal of murals.* If the mural is not repaired or removed within the prescribed time period of the violation notice, the city, or a private contractor approved by the city pursuant to its rules of procurement, may enter the premises to repair or remove the mural. Upon completion of the repair or removal, the city, or the city's contractor, shall submit an invoice to the city's finance officer for payment. The mural owner shall pay the costs directly to the city or the costs will become a lien against the real property upon which incurred, and shall be collected in the same manner as city taxes or by other method permitted by law.

Notice may be provided to the owner of the structure by regular mail addressed to the last known address, by facsimile, by email, or any combination, as reasonable under the circumstances.

7.

By adding a new Section 10-6.5 to the Land Management Ordinance to read as follows:

10-6.5 *Remedies cumulative.* The remedies provided for violations of the Land Management Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

SO ENACTED this _____ day of July, 2020.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: July 7, 2020

2nd Reading: July 21, 2020

STATE OF GEORGIA
COUNTY OF HOUSTON

AN ORDINANCE TO AMEND CHAPTER 5A FIRE PROTECTION OF THE CODE OF THE CITY OF PERRY, GEORGIA; TO REPEAL SUBSECTION 6-10.13 FIRE PROTECTION REQUIREMENTS WITHIN ARTICLE 6, SECTION 6-10 OF THE LAND MANAGEMENT ORDINANCE OF THE CITY OF PERRY, GEORGIA; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, Chapter 5A of the Code of the City of Perry, Georgia regulates fire protection within the City; and

WHEREAS, Subsection 6-10.13 of Article 6, Section 6-10 of the Land Management Ordinance regulates fire protection requirements for site development and related infrastructure within development and design standards throughout the City; and

WHEREAS, the City adopted Resolution No. 2005-03 to transfer enforcement authority with respect to certain buildings and structures from the Georgia Safety Fire Commissioner to the City; and

WHEREAS, said Resolution stated the City's intention to adopt and enforce the State Minimum Fire Safety Standards throughout the City; and

WHEREAS, the Mayor and Council have therefore determined that it is in the best interest of the City's residents to codify its adoption of the State Minimum Fire Safety Standards as the fire protection standards and requirements throughout the City.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS, while in a Regular called Council meeting on the ____ day of July, 2020 at 6 p.m. as follows:

SECTION 1. That this Ordinance relating to amending Chapter 5A-*Fire Protection* of the Code of the City of Perry, Georgia, is hereby adopted and approved as follows:

Section 5A-1. Definitions shall be amended to add the following terms and phrases into the existing terms and phrases in alphabetical order:

Alarm system means any mechanized and/or electronic device or set of devices intended to detect and signal the need for fire protection at any premises in which such device or set of devices is installed.

Alarm user means, with respect to any premises, any individual, partnership, association, public or private corporation, governmental entity or other person or group who owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons and whether it is direct or indirect.

False alarm means the transmittal of a request for response or assistance to the Perry Fire and Emergency Services Department under circumstances where no emergency warranting fire protection existed at the time of such transmittal, and where such transmittal is made either automatically by an alarm system or by an individual.

Premises means any structure or improvement to real property or any such structure or other improvement which is intended for separate use and occupancy apart from other portions thereof.

Responsible person means, with respect to any premises, any individual or entity which owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons or entities and whether it is direct or indirect.

Transmit means to send either manually or automatically, by any device or method, a signal to request a response or assistance from the Perry Fire and Emergency Services Department.

Section 5A-2. *Applicability of State Minimum Fire Safety Standards shall be added as follows:*

- (a) Pursuant to Resolution No. 2005-03, and O.C.G.A. §25-2-12(b), the city adopts the state minimum fire safety standards established in the rules and regulations promulgated pursuant to Chapter 2 of Title 25 of the Official Code of Georgia annotated, including all subsequent revisions thereof. The City of Perry will enforce the state minimum fire safety standards as set forth in Chapter 120-3-3-.04 of the Rules of Safety Fire Commissioner. All buildings and structures, within the jurisdiction of the city shall be inspected, as often as may be necessary.
- (b) The City of Perry, through its fire chief and fire marshal, will be responsible for enforcing such fire safety standards within its jurisdiction and will:
 - (1) Conduct fire safety inspections on existing buildings and structures;
 - (2) Conduct fire safety inspections at various intervals of all construction work pertaining to fire codes, including but not limited to, a 50 percent, 80 percent, and 100 percent inspection;
 - (3) Conduct fire safety inspections of a building or structure upon a tenant occupancy change or any change in business license;
 - (4) Review plans and specifications for renovations or repairs to existing buildings, structures, and developments;
 - (5) Review plans and specifications for new construction and proposed buildings, structures, and developments;
 - (6) Review all plans and specifications for fire alarm systems, fire sprinkler and other fire suppression systems;
 - (7) Issue/approve permanent and temporary certificates of occupancy;
 - (8) Conduct inspections for special events, mass gatherings, tents, public fireworks displays, and outdoor burning as required; and
 - (9) Conduct origin and cause and arson investigations.
- (c) The state minimum fire safety standards shall apply to all structures in the city, provided that one-family and two-family dwellings and two-family row houses (townhouses) separated by a two-hour fire wall shall be exempted. Nothing in this section shall be construed so as to prohibit fire service personnel from making inspections of any state owned and operated or occupied building or structure listed in O.C.G.A. §25-2-13 and from filing reports of such inspections with the Office of the Safety Fire Commissioner.
- (d) The City of Perry will charge and retain appropriate fees for performing the above listed duties in accordance with the fee schedule established by the city.

Section 5A-3. *Applicability of the Georgia Accessibility Code shall be added as follows:*

The city adopts the requirements for accessibility to and use of public facilities as established in the rules and regulations promulgated pursuant to Chapter 3 of Title 30 of the Official Code of Georgia annotated, including all subsequent revisions thereof. The City of Perry will enforce the state accessibility code as set forth in Chapter 120-3-3-.08 of the Rules of Safety Fire Commissioner.

Section 5A-4. Request for Modification and Authority to Amend Article shall be added as follows:

Pursuant to Rule 120-3-3-.06 of the Safety Fire Commissioner, whenever there are practical difficulties involved in carrying out the provisions of this Code, the fire marshal in conjunction with the fire chief, shall have power to modify any of the provisions of this article of the Code of the City of Perry upon an application in writing by the owner or lessee, or a duly authorized agent.

(a) The application shall be in the form as approved by the fire chief, but shall at a minimum include:

- (1) reference to specific fire code(s) the applicant is requesting an interpretation or equivalency from;
- (2) justification of interpretation or equivalency as well as identifying relief being requested; and
- (3) identification of alternative method to code requirement.

(b) Upon receipt of an application, the fire marshal may consult with the director of community development, the chief building official, city engineering or any other state or local entity to assist. The fire marshal may also request a letter from the applicant's attorney and/or insurance company requesting confirmation of the applicant's request for code interpretation and statement of support or objection to applicant's interpretation of the fire code. The fire marshal in his/her discretion may take such other investigatory steps as deemed appropriate to fully evaluate the application, including requesting additional information from the applicant.

(c) The fire marshal shall issue a decision on the application within ten days of receipt of a completed application. An application shall not be deemed complete if the fire marshal has requested any information from the applicant, which has not been provided.

(d) The particulars of such modification, when granted or allowed, and the decision of the fire chief and fire marshal thereon shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.

Section 5A-5. Appeals shall be added as follows:

Any person aggrieved by an action of the fire chief, the fire marshal or other city official or employee of the city fire department including, but not limited to, disapproval of an application, refusal to grant a permit, a determination that the fire code or city ordinances does not apply or has been misconstrued, but excluding those actions or violations which are within the purview of the state fire marshal or code violations which are subject to the jurisdiction of municipal, state or federal court, may appeal and be heard by the city council.

Section 5A-6. Response to Malfunctioning and/or False Alarms shall be added as follows:

(a) It shall be a violation of this article for anyone to transmit a false alarm.

(b) All false alarms to a premise within a four-hour period shall be considered as one violation. For the first two false alarms within a calendar year at any premises there shall be no penalty assessed and a written warning shall be provided. Written warnings for first and second false alarms shall be hand delivered or mailed to any responsible person, or posted on the door of the premises or in a prominent location on the premises where the alleged violation occurred. Failure to make, deliver, mail, or receive any warning shall not affect any subsequent enforcement efforts or the penalty for any subsequent false alarm.

(c) Penalties for false alarms will be assessed in accordance with the fee schedule established by the city.

(d) If any alarm user alleges that an extraordinary or unusual circumstance led to their false alarm such that the false alarm should not be counted against them, and the false alarm is only their first or second false alarm for one calendar year, then an appeal may be instituted. The appeal shall be in writing to the fire marshal within five days of the false alarm. Upon notice of such appeal, the fire marshal shall issue a finding as to whether the false alarm warning shall stand.

(e) This section shall have no application to alarms requesting assistance from the Perry Police Department.

Section 5A-7. Emergency Entrance Key Lock Box and Access Products shall be added as follows:

When fires occur in buildings, the fire personnel are faced with issues of access to and entry into the structure. Access to and entry into the structure, in some cases, must be made with force which is time consuming and demands extra energy by fire personnel. In order to expedite entry into a structure and to aid the fire personnel in the task of extinguishment, the following requirements have been developed:

(a) All new occupancies and all existing occupancies that experience a change of ownership, change of tenant/lessee, remodel or addition/expansion of the structure where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire marshal or his/her designee is authorized to require a key lockbox to be installed in an accessible location. The key lockbox shall be of an approved type and shall contain keys to gain access to the structure or area as required by the fire marshal or his/her designee. A solid walking surface is required from any sidewalk to the key lockbox and such lockbox shall not be obstructed by tree, shrubs, fixtures, or the like.

(b) All commercial businesses that use, store, manufacture or process hazardous materials and are required to have a hazardous materials inventory statement (HMIS) or hazardous materials management plan (HMMP) shall install on the exterior in close proximity to the rapid access key box, a KNOX® document cabinet for the storage of required inventory documents and/or plan.

(c) The fire marshal has designated the type of key lock box and other access systems to be implemented within the city that meet the standards contained in the International Fire Code (IFC) as the KNOX® Rapid Access Key Box and other KNOX® Access Products. The fire marshal shall have the authority to require all structures to use said designated system.

(d) The following types of buildings or structures shall be equipped with a KNOX® key lockbox to be located at or near the right side of the recognized public entrance, with such location to be approved by the fire marshal or his/her designee:

- (1) All commercial buildings;
- (2) All industrial buildings;
- (3) All multifamily buildings;
- (4) All gated fire department access roadways, including but not limited to apartments, condominiums, and residential developments; and
- (5) All hotels and motels.

(e) The key lockbox shall contain keys for the following and shall be labeled so as to be easily identifiable in the field by responding personnel:

- (1) Keys to the locked points of egress, whether on the interior or exterior of such structure;
- (2) Keys to the locked mechanical rooms;
- (3) Keys to the locked elevator rooms;
- (4) Keys to the elevator controls;
- (5) Keys to any fence or secured area;
- (6) Keys to any alarm room area or any room where an alarm panel is installed;

- (7) Keys to any alarm panels or alarm boxes;
- (8) Keys or any additional special tools/items needed to reset pull stations; and
- (9) Keys to any other area as directed by the fire marshal or his/her designee.

(f) The key lockbox shall be located at a height of not less than five feet and not more than six feet above final grade/surface. Such key lockbox need not be supervised by an alarm system.

(g) The owner or tenant/lessee of the building shall immediately notify the fire marshal's office and provide the new key where a lock is changed or rekeyed within 10 days. The key to such lock(s) shall be tagged and secured in the key box.

(h) Fire Department Connections (FDC's) on fire sprinkler systems shall utilize and install the KNOX® FDC cap(s) for the protection of the fire sprinkler system from unauthorized tampering, vandalism and sabotage.

(i) Electric or manual gates that obstruct any required fire apparatus access road, path, drive or lane shall utilize and install the KNOX® gate override key switch on electrically operated/actuated gates and the KNOX® padlock for all manual gates.

(j) Electric or manual roll up doors or gates that obstruct access to the interior of a building or structure shall utilize the KNOX® gate override key switch on electrically operated/actuated roll up doors gates and the KNOX® padlock for all roll up doors/manual gates where a key contained in the KNOX® box will not operate from the exterior of the building or structure.

(k) Power Disconnect/Shunt Trip for buildings, structures and facilities that utilize 400 amp or greater service and/or have a CT meter and/or have 3 phase power shall utilize the KNOX® remote power disconnect as the required means of disconnect of service entrance conductors

SECTION 2. That this Ordinance relating to repealing subsection 6-10.13 *Fire Protection Requirements* of Section 6-10, Article 6 of the Land Management Ordinance of the City of Perry, Georgia, is hereby adopted and approved as follows:

Subsection 6-10.13 of Section 6-10, Article 6 of the Land Management Ordinance is hereby repealed in its entirety and this Section is reserved.

SECTION 3. That this Ordinance relating to amending other conflicting provisions within the Land Management Ordinance of the City of Perry, Georgia, is hereby adopted and approved as follows:

Subsection (E) of Section 6-10.2 of Article 6 of the Land Management Ordinance is amended as follows:

(E) *Cul-de-sacs.* Cul-de-sacs, or dead-end streets, shall be provided at the closed end with a turnaround meeting the specifications of Sec. 6-10.10, roadway surfacing and paving.

Subsection (C) of Section 6-10.10 of Article 6 of the Land Management Ordinance is amended as follows:

(C) *Minimum pavement width.* All minor residential streets shall have a minimum pavement width of twenty-seven (27) feet from back of curb to back of curb. All other street width requirements shall be determined by the Commission and the Council as required. For cul-de-sacs and other dead end streets, a turnaround meeting the standards in Appendix D of the International Fire Code, as adopted in the Georgia State Minimum Fire Safety Standards, shall be provided at the closed end of the street.

Subsection (A)(2)(c) of Section 6-11.2 of Article 6 of the Land Management Ordinance is amended as follows:

(c) Cul-de-sac – Turn-around to meet the specifications set out in Sec. 6-10.10, roadway surfacing and paving.

SECTION 4. That all Ordinances, parts of Ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall become effective upon its adoption.

SO ENACTED this 21st day of July, 2020.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: July 7, 2020

2nd Reading: July 21, 2020

(SEAL)

**A RESOLUTION TO AMEND
THE CITY OF PERRY
POSITION CLASSIFICATION PLAN**

WHEREAS, the Council adopted the FY 2021 Position Classification Plan,
and

WHEREAS, the list omitted a classification series;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY
HEREBY RESOLVES** that the FY 2021 Job Classification Schedule is
amended by adding the below classifications.

Public Safety

Fire Battalion Chief I	\$ 59,300 - \$ 88,500
Fire Battalion Chief II	65,500 - 94,500
Senior Fire Battalion Chief	72,200 - 100,100

SO RESOLVED THIS _____ DAY OF JULY, 2020.

CITY OF PERRY

By:

RANDALL WALKER, MAYOR

City Seal

Attest:

ANNIE WARREN, CITY CLERK

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 _____ 2020, the following resolution was introduced and adopted.

WHEREAS, the Borrower has borrowed \$11,250,000.00 from the **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "Lender") or the Lender's assignor, pursuant to the terms of a Loan Agreement, numbered Loan No. **DW2017006** (the "Loan Agreement"), 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, numbered Loan No. **DW2017006** (the "Note"), of the Borrower; and

WHEREAS, the Borrower and the Lender have determined to amend and modify the Note, pursuant to the terms of a Modification of Promissory Note (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.

(Name of Person to Execute Documents)

(Title)

(Name of Person to Attest Documents)

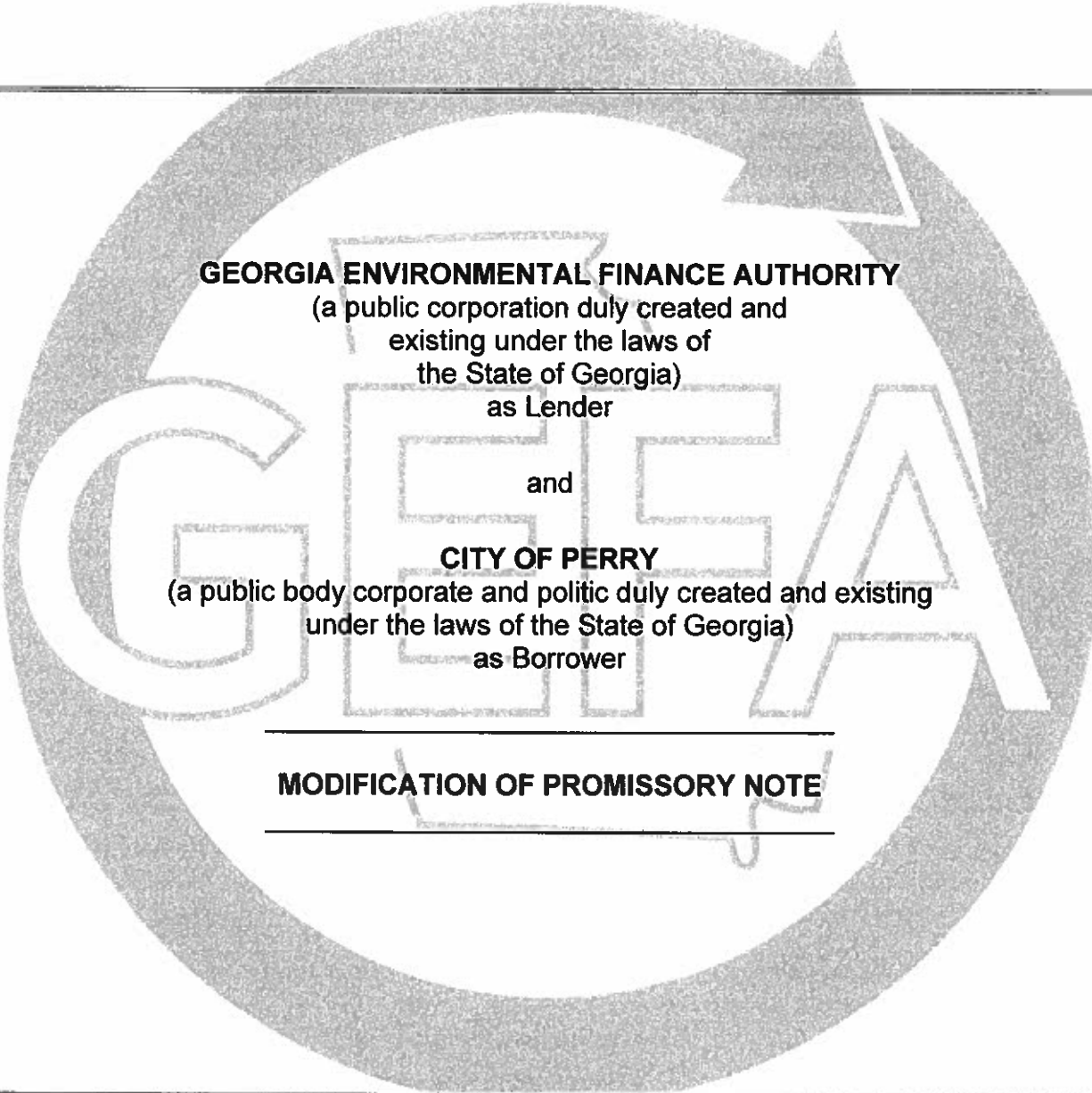
(Title)

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

Date: _____, 2020.

Secretary/Clerk

(SEAL)



GEORGIA ENVIRONMENTAL FINANCE AUTHORITY
(a public corporation duly created and
existing under the laws of
the State of Georgia)
as Lender

and

CITY OF PERRY
(a public body corporate and politic duly created and existing
under the laws of the State of Georgia)
as Borrower

MODIFICATION OF PROMISSORY NOTE

MODIFICATION OF PROMISSORY NOTE

THIS MODIFICATION OF PROMISSORY NOTE (this "**Modification**") is made as of **JULY 1, 2020**, by and between **CITY OF PERRY** a Georgia public body corporate and politic (the "**Borrower**"), and the **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY**, a Georgia public corporation (the "**Lender**").

Statement of Facts

A. The Lender and the Borrower are parties to that certain Loan Agreement, numbered Loan No. **DW2017006**, as amended prior to the date hereof (as so amended, the "**Loan Agreement**"; all capitalized terms used in this Modification but not defined herein have the meanings given in the Loan Agreement), pursuant to which the Lender or the Lender's assignor made a loan to the Borrower in accordance with the terms and conditions thereof. The Borrower's obligation to repay such loan is evidenced by that certain Promissory Note, numbered Loan No. **DW2017006**, as amended prior to the date hereof (as so amended, the "**Note**").

B. The Lender and the Borrower desire to modify the Note in certain respects in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the premises, the covenants and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Lender and the Borrower further agree as follows:

Statement of Terms

1. **Amendment of Note**. Subject to the fulfillment of the conditions precedent to the effectiveness of this Modification that are set forth below, the Note is hereby amended by adding the following two paragraphs:

Notwithstanding anything to the contrary contained in this Note, (1) the unpaid principal balance of this Note shall not bear any interest during the period commencing on **JUNE 1, 2020** and ending on **NOVEMBER 30, 2020** (the "**Interest-Free Period**") and (2) no principal, interest, or fees shall be due or payable pursuant to this Note during the period commencing on **JULY 1, 2020** and ending on **DECEMBER 31, 2020** (the "**Payment-Free Period**").

Monthly payments of principal of and interest on this Note shall recommence on **JANUARY 1, 2021**. If the Amortization Commencement Date occurred prior to the Payment-Free Period, the Maturity Date shall be extended by six (6) months, and principal of and interest on this Note shall continue to be payable after the original Maturity Date in consecutive monthly installments equal to the amounts specified in this Note, from the first day of the calendar month following the original Maturity Date and continuing to be due on the first day of each succeeding calendar month

thereafter until the extended Maturity Date. If the Amortization Commencement Date would have occurred during the Interest-Free Period, the Amortization Commencement Date shall be extended to **DECEMBER 1, 2020**.

2. **No Other Waivers or Amendments.** Except for the amendments expressly set forth and referred to in Section 1 above, the Note and the Loan Agreement shall remain unchanged and in full force and effect. Nothing in this Modification is intended, or shall be construed, to constitute a novation or an accord and satisfaction of any of the obligations created by the Note or the Loan Agreement.

3. **Representations and Warranties.** To induce the Lender to enter into this Modification, the Borrower does hereby warrant, represent, and covenant to the Lender that: (a) each representation or warranty of the Borrower set forth in the Loan Agreement is hereby restated and reaffirmed as true and correct on and as of the date hereof as if such representation or warranty were made on and as of the date hereof (except to the extent that any such representation or warranty expressly relates to a prior specific date or period), and no Event of Default has occurred and is continuing as of this date under the Loan Agreement; and (b) the Borrower has the power and is duly authorized to enter into, deliver, and perform this Modification, and this Modification is the legal, valid, and binding obligation of the Borrower enforceable against it in accordance with its terms.

4. **Conditions Precedent to Effectiveness of this Modification.** The effectiveness of this Modification is subject to the truth and accuracy in all material respects of the representations and warranties of the Borrower contained in Section 3 above and to the fulfillment of the following additional conditions precedent:

- (a) the Lender shall have received one or more counterparts of this Modification duly executed and delivered by the Borrower; and
- (b) the Lender shall have received (1) a certified copy of the resolution adopted by the Borrower's governing body, substantially in the form of Exhibit A attached hereto, and (2) a signed opinion of counsel to the Borrower, substantially in the form of Exhibit B attached hereto.

5. **Counterparts.** This Modification may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which when taken together shall constitute one and the same instrument.

[Signatures and Seals To Follow]

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be duly executed and delivered as of the date specified at the beginning hereof.

CITY OF PERRY

Signature: _____

Print Name: _____

Title: _____

Approved as to Form:

(SEAL)



Borrower's Attorney

Attest Signature: _____

Name: _____

Title: _____

**GEORGIA ENVIRONMENTAL
FINANCE AUTHORITY**

Signature: _____

Kevin Clark
Executive Director

(SEAL)



Where Georgia comes together.

Office of the City Attorney

July 1, 2020

OPINION OF BORROWER'S COUNSEL

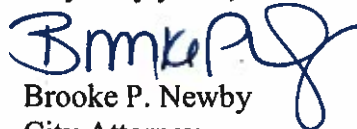
Drinking Water State Revolving Fund, Administered by
Georgia Environmental Finance Authority
233 Peachtree St., NE
Harris Tower, Ste 900
Atlanta, GA 30303-1506

Ladies and Gentlemen:

A legal opinion from **WALKER, HULBERT, GRAY, & MOORE, LLP** was delivered to you, dated **NOVEMBER 21, 2017** (the "Closing Opinion"), relating to the Loan Agreement, numbered Loan No. DW2017006, (the "Loan Agreement"), dated **DECEMBER 21, 2017** between **CITY OF PERRY** (the "Borrower") and the **DRINKING WATER STATE REVOLVING FUND, ADMINISTERED BY GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "Lender"), and the Promissory Note, numbered Loan No. DW2017006, (the "Note"), dated **NOVEMBER 21, 2017**, of the Borrower. A legal opinion was also delivered to you dated **NOVEMBER 15, 2018** relating to the modification of Promissory Note and Loan Agreement dated **DECEMBER 19, 2018**. A legal opinion was also delivered to you dated **JUNE 16, 2020**, relating to the Second Modification of Promissory Note and Loan Agreement dated June 2020.

As counsel for the Borrower, I have examined a duly executed original of the Modification of Promissory Note, dated July 1, 2020, (the "Modification"), between the Borrower and the Lender; the proceedings taken by the Borrower to authorize the Modification; the Closing Opinion; and such other documents, records, and proceedings as I have deemed relevant or material to render this opinion. Based upon such examination, I hereby reconfirm as of the date hereof the opinions contained in the Closing Opinion, subject to the modifications that all references to the Note and the Loan Agreement (as defined in the Closing Opinion) shall be deemed to include a reference to the Modifications. Nothing has come to my attention, after due investigation, that in any way might question the continuing validity and accuracy of the Closing Opinion, as modified above.

Very truly yours,



Brooke P. Newby
City Attorney

7/1/2020
Date



Where Georgia comes together.

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor/Council
FROM: Lee Gilmour, ^{LG}City Manager
DATE: June 29, 2020
REFERENCE: Perry fee schedule

With the adoption of the FY-2021 Operating Budget the City of Perry Fee Schedule is recommended to be amended as stated below:

1. There is no increase in the property tax millage rate.
2. General Fund fees and charges increase 2.00%
3. Fire Protection Utility District fees increase 4.00%
4. Solid waste fees increase 3.00%
5. Natural gas City gate charges increase 4.00%

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

WHEREAS, the Council has adopted its FY 2021 Operating Budget; and

WHEREAS, the Budget calls for certain fee adjustments;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY
HEREBY RESOLVES** that the City of Perry Fee Schedule is amended as
shown in Exhibit "A", hereby made a part of this resolution.

SO RESOLVED THIS _____ DAY OF JULY, 2020.

CITY OF PERRY

By:

RANDALL WALKER, MAYOR

City Seal

Attest:

ANNIE WARREN, CITY CLERK

EXHIBIT A

CITY OF PERRY
FEE SCHEDULE

A. Licenses and Permits

1. Alcoholic Beverage Licenses

a.	Malt package sales/consumption	\$ 600.00/yr 300.00/½ yr
b.	Wine package sales/consumption	\$ 600.00/yr 300.00/½ yr
c.	Distilled spirits package sales	\$3,900.00/yr 1,900.00/½ yr
d.	Malt, wine, distilled spirits package sales	\$4,500.00/yr 2,200.00/½ yr
e.	Distilled spirits consumption	\$5,100.00/yr 2,500.00/½ yr
f.	Malt, wine, distilled spirits consumption	\$5,000.00/yr (1) 2,500.00/½ yr
g.	Caterer License	\$ 400.00/yr 200.00/½ yr
	1. Special Event Alcoholic Beverage License	\$ 50.00/event (1)
h.	Manager/Franchise	
	1. Manager Transfer	\$ 145.00/each
	2. New Manager	130.00/each
i.	Wholesale Alcohol Beverage License	
	1. Malt packages sales	\$ 145.00/yr 70.00/½ yr
	2. Wine package sales	\$ 145.00/yr 70.00/½ yr

3.	Distilled spirits package sales	\$ 1,000.00/yr 500.00/½ yr
4.	Malt, wine, distilled spirits package sales	\$ 1,200.00/yr 600.00/½ yr
j.	Administrative Fee	
1.	Standard	\$ 46.00/each
2.	On-line	\$ 25.00/each
k.	Special event alcoholic beverage permit	\$ 125.00/per permit
l.	Brown bagging permit	
	Daily (limit three (3) consecutive days)	\$ 60.00/each
	Annual	\$ 240.00/yr 120.00½ yr

2. Occupational Business License/Permits

a.	Administrative Fee	
1.	Standard	\$ 46.00/each
2.	On-line	\$ 25.00/each
b.	Financial Institutions	\$1,700.00/minimum
c.	Insurance Companies/Agents	\$ 75.00/business (1)
d.	Other business	
1.	Employees 1-2	\$ 110.00/business
2.	Employees 3-9	\$ 100.00 plus 25.00 for each employee over 2
3.	Employees 10-99	\$ 260.00 plus 20.00 for each employee over 9
4.	Employees 100-499	\$1,700.00 plus 9.00 for each employee over 99
5.	Employees 500 – up	\$3,400.00 plus 5.00 for each employee over 499 <i>Maximum charge \$4,300.00</i>
e.	Transient business permit	\$ 270.00/each/yr 135.00/each/½ yr

f.	Vehicle for hire license	\$ 90.00/yr (plus business license)
g.	Pawn broker license	\$ 90.00/yr (plus business license)
h.	Professional business license	\$ 400.00/yr ⁽¹⁾
i.	Closing-out Sale & Existing business license	
	1. Period not to exceed thirty (30) days	\$ 46.00/each
	2. Period not to exceed sixty (60) days	82.00/each
	3. Period not to exceed ninety (90) days	112.00/each
j.	Closing-out Sale non-existing business license	
	1. Period not to exceed thirty (30) days	\$ 600.00/each
	2. Period not to exceed sixty (60) days	1,200.00/each
	3. Period not to exceed ninety (90) days	1,900.00/each
k.	Additions to Inventory Business License	
	1. Period not to exceed thirty (30) days	160.00/each
	2. Period not to exceed sixty (60) days	310.00/each
	3. Period not to exceed ninety (90) days	460.00/each
l.	Adult Business License	
	1. Adult use	\$ 2,000.00/yr
	2. Manager license	91.00/yr
	3. Entertainer license	91.00/yr
	4. Server license	91.00/yr
m.	Barber, Beautician, Manicurist, Massage Technician	
	Self-employed	\$ 107.00/yr
n.	Produce stands business license	\$ 97.00/each/yr 50.00/each/½ yr
o.	Septic waste contractor permit	\$ 173.00/yr \$ 86.00/½ yr
p.	Food Truck Permit	\$ 107.00/each

3. Non-Business Permits

a. Structure Permits

1. Valuation Schedule

- (a) \$0.00 - \$15,000.00
\$56.00 for the first \$2,100 plus
\$7.10 for each additional thousand
or fraction thereof, to and including
\$15,000.00
- (b) \$15,000.01 - \$50,000.00
\$160.00 for the first \$15,400.00 plus
\$7.10 for each additional thousand
or fraction thereof, to and including
\$50,000.00
- (c) \$50,000.01 - \$100,000.00
\$400.00 for first \$50,000.00 plus
\$6.00 for each additional thousand
or fraction thereof, to and including
\$100,000.00
- (d) \$100,000.01 - \$500,000.00
\$670.00 for the first \$100,000.00 plus
\$4.50 for each additional thousand
or fraction thereof, to and including
\$500,000.00
- (e) \$500,000.01 –
\$2,400.00 for the first \$500,000.00 plus
\$3.50 for each additional thousand
or fraction thereof

2. Valuation Rates

- (a) New construction and additions
\$92.00/square foot of heated space
- (b) Renovations/Alterations
\$46.00/square foot of heated space
- (c) Other uses
Estimated cost unless otherwise noted
in fee schedule

3. Solid Waste Franchise Fee

- (a) Residential (1-2 units) \$ 22.00/permit/site
- (b) Other \$ 33.00/permit/site

4. Building Permit Water
Consumption Charge

\$ 115.00/each

b. Curb cut permit

\$ 61.00/each

c.	Moving structure permit	\$ 61.00/each
d.	Demolition structure permit	\$ 137.00/minimum each
e.	Manufactured Structures	
	1. Single-wide	Per 3 (a)
	2. Double-wide	Per 3 (a)
f.	Soil Erosion Permit	
	1. Georgia Department of Natural Resources Environmental Protection Division	\$ 40.00/disturbed acre (1)
	2. Local issuing authority	40.00/disturbed acre (1)
g.	Mass Gathering Permit	\$ 66.00/each
h.	Parade Permit	\$ 163.00/each
i.	Swimming pool permit	
	1. Private above ground swimming pool	\$ 92.00/each
	2. Private below ground swimming pool	127.00/each
	3. Public swimming pool	230.00/each
j.	Portable/Temporary sign permit	\$ 61.00/each
k.	Sanitary dumping permit	\$ 61.00/each
l.	Bingo Permit	\$ 61.00/year
m.	Block Party Permit	\$ 92.00/each
n.	Tree Removal permit	\$ 61.00/each

(Note: Homeowners/residential owners exempt from permit requirements for removal of pines.)

o.	After hours cemetery access permit	\$ 160.00/each
p.	Fire Safety Permits	
	Fireworks Sale Location	\$ 515.00/each (1)
	New Business Locations	\$ 71.00/each
	Burn Permit-Commercial	\$ 147.00/each
	Blasting Permit	\$ 110.00/each
	Hazardous Materials Permits	\$ 147.00/each

- q. Special Event Permit \$ 71.00/each
- r. Individual well permit \$ 61.00/each
- s. Fishing Permit
 - Ages 6-64
 - Daily \$ 13.00/each
 - Annual \$ 52.00/each

B. Charge for Services

1. General

a. Planning and Zoning

1. Rezoning Request

- a. Residential \$ 137.00 plus \$16.00/acre
(maximum \$1,650.00)
- b. Planned Development \$ 158.00 plus \$16.00/acre
(maximum \$2,900.00)
- c. Commercial/Industrial \$ 240.00 plus \$22.00/acre
(maximum \$3,100.00)

d. Code Enforcement (Except Environmental)

1. Violations (per site/year)

- First Offense \$ 51.00
- Second Offense \$ 82.00
- Third Offense \$153.00

Plus mandatory Municipal Court appearance

2. Environmental Violation Fees (per site/year)

a. Illegal dumping of solid waste

- First Offense \$127.00
- Second Offense \$214.00
- Third Offense \$418.00

Plus mandatory Municipal Court appearance

b. Illegal dumping of sewage (City-wide/year)

- First Offense \$153.00
- Second Offense \$285.00
- Third Offense \$560.00

Plus mandatory Municipal Court appearance

- 3. Enforcement Activity
Actual City cost times 150%
plus 10% administrative cost
- e. Building Permit Re-inspection Fee
 - Third site visit \$ 112.00 each
 - Each subsequent visit,
previous amount plus \$ 61.00/visit
- 2. Variance/Special Exception/
Conditional Use/Administrative Appeal \$ 91.00/each
- 3. Temporary Use Permit \$ 31.00/location
- 4. Subdivision Review
 - a. Minor Plat \$ 61.00
 - b. Preliminary Plat Approval \$ 112.00
 - c. Final Plat \$ 46.00, plus recording
cost, if required
- 5. Site Plan Review
 - a. Single-family Residential (subdivisions)
 - (1) Initial and second submission/review
\$19.00/lot; minimum \$122.00/plat, maximum
\$1,630.00/review
 - (2) Third and each subsequent review
Actual consultant cost, plus five percent (5%)
 - b. All Non-single-Family Residential
 - (1) Initial and second submission/review
 - 1-3 Acres \$2,300
 - 3.01+ \$2,300 plus \$229 each additional acre
or portion thereof. Maximum \$7,600/review
 - (2) Third and each subsequent review
Actual consultant cost, plus five percent (5%)
 - c. Minor site review \$107.00/each
- 6. Any work started prior to obtaining a permit shall double the permit amount.
- 7. Delinquent Certificate of Appropriateness \$214.00/event

b. Printing/Duplicating

a. Copies

1-3 pages	No charge
4 plus	\$.10/page (1)

b. Zoning/land use maps	\$ 16.00/plat
c. City Street Map	41.00/each
d. City Zoning Map	41.00/each
e. Perry Land Development Ord Updates Subscription	41.00/each 31.00/year
f. Sign Ordinance	16.00/each
g. City Code of Ordinances	51.00/each
h. Tree Ordinance	16.00/each
i. CD-Rom Copies	41.00/per diskette

c. Election fees

Mayor	\$ 360.00/election (1)
Council Member	198.00/election (1)

d. Delinquent Account Administration Fees

1. Accommodation Excise Tax \$ 36.00/account/month delinquent

e. Perry Municipal Court

1. Court Cost	\$ 43.00
2. Warrant Fee	102.00
3. 2 nd DUI Photo Publishing Fee	26.00
4. Technology Fee	21.00/closed citation
5. Courtware Fee	19.00/closed citation

2. Public Safety

a. Police Services

1. Accident reports	
First report/accident	No Charge
Second and subsequent reports	\$ 9.25/each
2. False alarms	81.00/each <i>(after 3 in twelve month period at same location)</i>
3. Records	
(a) Background check	16.00/each
(b) Expungement	25.00/each (1)

- | | | |
|----|---|-----------------------|
| 4. | Miscellaneous | |
| | (a) Video tapes | 31.00/tape |
| | (b) Photographs | 7.25/each |
| | (c) Notarize | 7.25/each |
| 5. | Firearms Class | |
| | Participant Fee | \$ 26.00/each/class |
| 6. | Automated Traffic Safety Zone | |
| | First Offense | \$ 75.00/citation (1) |
| | Second and Subsequent | 125.00/each (1) |
| b. | Fire Services | |
| 1. | False alarms | \$ 82.00/each |
| | (after 3 in twelve month period at same location) | |
| 2. | CPR Class | \$ 41.00/each |
| 3. | Fire Safety Inspections | |
| | a) Inspections | |
| | First Inspection | No Charge |
| | First Follow-up | \$ 213.00/each |
| | Second Follow-up | \$ 213.00/each |
| | Each Subsequent Follow-up | \$ 213.00/each |
| | Non Single-family Residential | |
| | Certificate of Occupancy | \$ 150.00/each |
| | Annual Fire Re-Inspection | |
| | First | No Charge |
| | First Follow-up | \$ 150.00/each |
| | Additional Subsequent | |
| | Follow-up | \$ 213.00/each |
| | Fire Watch | |
| | Person/Hour | \$ 61.00/hour |
| | Apparatus/Hour | \$ 213.00/hour |
| | Special Events | \$ 150.00/each |
| | Tank Installation/Removal | \$ 150.00/each |
| 4. | Fire Protection Service Fee | |
| | a. ERU value | |
| | Residential | \$ 22.00/ERU |
| | Non-residential | 13.00/ERU |
| | b. Meter Maximums | |
| | 1. Moderate Risk | |

	Non-Residential	Residential	
Single Meter	\$137/billing	Per unit	\$ 12.00/billing
Master Meter	\$285/billing	Maximum	\$ 912/billing

2. Significant Risk

Single Meter	\$279/billing
Master Meter	\$593/billing

3. Maximum Risk

Single Meter	\$370/billing
Master Meter	\$770/billing

5. Fire Marshal Review Fees

a. Site Review	\$140.00/each
b. New Structure	
1) Less than 10,000 sq. ft.	172.00/each
2) Greater than 10,000 sq. ft.	.018/sq. ft./each
c. Remodeling Structure	
1) Less than 2,500 sq. ft.	61.00/each
2) 2,501 – 10,000 sq. ft.	172.00/each
3) Greater than 10,000 sq. ft.	0.018/sq. ft./each
d. Fire Alarm Review	161.00/each
e. Sprinkler Review	161.00/each

3. Public Works Services

a. City of Perry Stormwater Utility District	
1. ERU Fee	\$ 5.00 /billing
2. Billing maximum	\$460.00/billing

4. Sanitation

a. Tire Disposal Fee	
1. Car (16" and smaller)	\$ 7.50/each
2. Truck tire	9.55/each
3. Tractor/equipment	11.75 /each
b. Totter (cart) Solid Waste	
1. Residential Solid Waste	
First Totter	\$ 24.00/month
Extra Totter	7.00/month
c. Commercial Solid Waste	
1. Base fee	\$ 2.50/month
2. Dumpsters	

- | | | | |
|----|-----------------------|----|------------------------------------|
| | 2 cubic yard | \$ | 6.28/pull |
| | 4 cubic yard | | 12.00/pull |
| | 6 cubic yard | | 17.80/pull |
| | 8 cubic yard | | 23.64/pull |
| 3. | Bulk pick-up | | 12.88/pull |
| 4. | Roll on/off container | | 162.40/pull
plus disposal costs |
| 5. | Recycling | | |
| | Totter (each) | \$ | 1.18 /each/billing |
| | 8 cubic yard (each) | | 58.00/each/billing |
| | 65 gallons cart | | 15.50/each/billing |
- d. Late fee - Ten percent (10%) at amount due
- e. Extra Services
1. Totter Customers
 - a. Yard Debris/Leaves Bagged/
Credit \$ 3.25/ pick up
 2. Non-totter customers
 - a. Yard Debris/Leaves \$ 116.00/each pick up
 - b. Bulk Collection
 - 1) 1-10 Items \$ 139.00/each
 - 2) 11+ Items 283.00/each
 - 3) City scheduled bulk customer Vendor Price
- f. Activation Fee
1. Residential \$ 46.00/each location
 2. Other \$ 67.00/each location
5. Water/Sewerage
- a. Water Service
 1. Meter
 - a. Reread \$ 36.00/each
 - b. Test 120.00/each
 - c. Activation Fee (Non-refundable)
 1. Residential 42.00/each location
 2. Other 68.00/each location

- d. Customer Request Reloc. 125.00
- e. Hydrant water meter deposit \$1,617.00
- f. Should a current customer with an account in good standing desire to relocate or add additional service(s)
 - 1. If there is a closing of one location and adding another within the system, no activation fee will be charged.
 - 2. If the customer desires to add an additional account(s), and retain the current account, an activation fee will be \$31.00/account.
- g. Water Usage During Residential Construction \$120/flat fee

2. Meter Installations

- a. New Service Connection
 - 1. 1" Meter \$ 607.00/each
 - 2. 1 ½" Meter 2,345.00/each
 - 3. 2" Meter 2,548.00/each
 - 4. Other Meter 125.00/plus cost of meter
- b. Existing Service Meter Replacement
 - 1. 1" Meter \$ 562.00/each
 - 2. 1 ½ " Meter 2,262.00/each
 - 3. 2" Meter 2,298.00/each
 - 4. Larger Meter Actual meter cost
 - 5. Meter box/lid 73.00
 - 6. Water box replacement 41.00/each
(2nd time and every additional time)
- c. Tap and Service Connection

1. Connection charge plus \$639.00/each for 1" – 2" meters

2. Actual cost plus \$615.00/each other size meters.

d. Construction Replacement

1. Replace meter \$ 317.00/each

2. Replace meter box/lid 73.00/each

3. MXU 224.00/each

e. City Installation

Add \$68.00 to each meter cost

3. Services

a. Base charge \$ 3.00/mo.(per unit served)

b. Consumption

1. Residential /Irrigation

1- x units \$.3825/unit/billing

2. Commercial /Industrial

(a) 1 - x units \$.3912/unit/billing

(b) Flat rate 3.75/unit

(c) Users required to install pre-treatment infrastructure

1 - x units \$.2502/unit/ billing

4. Other Service

a. Reconnect

- During business hours \$ 52.00/ea.

- After business hours 88.00/ea.

Meter blockage 52.00/ea.

Repeat visit 21.00/ea.

On/Off charge 42.00/ea.

b. Sewerage Service

1. Installation

a. Connection charge

1. 1 – 200 units/month

Upgrade	\$	312.00
Expansion		224.00
Operating		<u>161.00</u>
	\$	697.00/each

2. 201- plus units/month

Upgrade	\$	1,066.00
Expansion		962.00
Operating		<u>614.00</u>
	\$	2,642.00/each

3. Apartment Complex

Apartment Unit		
Upgrade	\$	156.00
Expansion		114.00
Operating		<u>187.00</u>
	\$	457.00/unit

4. Tap Charge

Connection fee plus	\$	770.00
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5. Backflow preventer
Second and subsequent replacement \$104.00/each

2. Service

a. Consumption

1) Residential		
1-80 units		\$.8362/unit/billing
81 + units		.6809/unit/billing

2) Non-Residential		
a. Regular User		
1-180 units		\$.8362/unit/billing
181 + units		.6809/unit/billing

b. Users required to install pre-treatment infrastructure		
1 – 180 units		\$.5348/unit/billing
181 –x units		.4354unit/billing

b. No meter fee \$ 3.55/billing

3. Activation Fee

a. Residential \$ 94.00/each

b. Other

Average projected monthly usage

Minimum \$ 42.00/each

6. Natural Gas

a. Meter

1. Activation Fee (Non-refundable)

a. Residential \$ 42.00/each location

b. Other \$ 68.00/each location

c. Should current customer with an account in good standing desire to relocate or add additional service(s)

1. If there is a closing of one location and adding another within the system, no activation fee will be charged.

2. If the customer desires to add an additional account(s), and retain the current account, an activation fee will be \$30.00/account.

2. Reread \$ 42.00/each

3. Test 125.00/each

4. Installation

a. Residential connection \$ 312.00/each

b. Additional service line \$ 4.70/linear foot

c. Commercial Connection \$ 312.00 or actual contractor cost whichever is greater for each tap

5. Customer Requested

a. Relocation \$ 125.00/each

b. Service

a. Base charge \$ 4.00/month

b. Consumption

City Distribution Charge .4327/ccf

c. Other services

1. Reconnect Charge

a. Business hours	\$	52.00/each
b. Non-business hours		85.00/each
2. Meter Blockage Charge		52.00/each
3. Repeat visit		21.00/each
4. On/off charge		42.00/each

d. Gas Furnishings

1. Formula for Rebate

- Furnace/water heater /3 rd appliance	\$	660.00/each
- Hydro-heater (combination furnace/water heater)		380.00/each
- Water heater		300.00/each
- Furnace		235.00/each
- Range, outdoor light, dryer, space heater, logs, fireplace		90.00/each
- Future drop (limit 2)		60.00/each

7. Cable Franchise

a. Application fee	\$	168.00/each
b. Franchise Fee		5% monthly subscriber cost

8. Animal Control/Shelter

a. Field Charges

1. Impoundment

a. First Offense	\$	51.00/animal
b. Second Offense		87.00/same animal
c. Third and subsequent		158.00/same animal

2. Pick-up fee		36.00/animal/incident
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b. Shelter services

1. Boarding	\$	16.30/animal/day
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- c. Dangerous Dog Registration \$ 372.00/annually
 - d. Animal Limit Variance Application Fee \$ 51.00/each
9. Other fees
- a. Surety Bond for moving 245.00/each
(refunded after move)
 - b. Tax Enforcement
 - 1. Levy Papers \$ 15.30/each
 - 2. Tax Fi Fa
 - Recording cost \$ 16.30/each
 - Remove 15.30/each
 - 3. Tax Interest .542% per month of the tax amount
 - 4. Tax Penalty 5% after 120 days with an additional 5% after each successive 120 days to a maximum of 20%
 - c. Advertising Actual cost
 - d. Bad check fee
 - Administration \$ 30.00 (I)
 - Financial Institute 5.00 (I)
 - e. Cemetery fee
 - 1. Purchase of Plot \$ 1,100.00/each
 - 2. Recording Fee 27.00/each
10. Culture and Recreation
- a. Youth Athletic Fees
 - 1. Football Participant \$ 112.00 / participant
 - 2. Basketball Age Group 5-6 years old \$ 46.00/participant

	7-12 years old		84.00/participant
	13 – 17 years old		89.00/participant
3.	Fall Soccer		
	Classification		
	U-6	\$	51.00/participant
	U-8 – up		77.00/participant
4.	Baseball/Softball		
	Age		
	T-Ball	\$	46.00/participant
	7-12 years old		79.00/participant
5.	Spring Soccer		
	Category		
	U6		
	New	\$	53.00/participant
	Spring Returnee		77.00/participant
	U8-up		
	New	\$	85.00/participant
	Spring Returnee		80.00/participant
6.	Spring Basketball	\$	25.50/participant
7.	Late Registration Fee	\$	13.25/each application

Note 1: Second family participant in same sport pays 75% of fee, third and remaining family participant per sport pays 50% of fee, if a City resident.

Note 2: Participants from families qualifying as indigent pay one half (1/2) the participant/sport program if a City resident.

- b. Program fee As set by Department of Leisure Services to cover costs.
- c. Adult Program Fee
 - 1. Church League Softball \$480.00/team

(1) Mandated per the State of Georgia

C. Miscellaneous Revenue

1. Rental Income

a. James E. Worrall Community Center

1. Community Room/Kitchen

Business Hours	\$ -0-
Day	
1-4 hours	\$127.50/event/day
5-8 hours	214.00/event/day
Night	
6:00 pm- 1:00 am	\$739.00/event/day
Deposit	\$117.00/event

2. Multi-Purpose room

Business Hours	\$ -0-
Day	
1-4 hours	\$ 92/event/day
5-8 hours	122/event/day
Night	286/event/day
Deposit	\$168/event

3. Gym

Business Hours	\$ -0-
Day	
1-4 hours	\$102/event
5-8 hours	204/event
Night	\$255/event
Deposit	\$112/event

b. Rozar Park

1. Pavilion	\$ 41.00/ hour
2. Ballfield	
- Day	\$ 20.40/hour
- Night	30.60/hour
- Tournament deposit	240.00/event
3. Adult Soccer Field	\$ 46.00/hour
	73.00/hour for tournament
	184.00/deposit

c. Creekwood Park

- | | |
|--|-------------------|
| 1. Pavilion | \$ 41.00/hour |
| 2. Ballfield | |
| - Day | \$ 20.40/hr |
| - Night | 30.60/hr |
| - Tournament deposit | \$ 240.00/event |
| d. Perry Arts Center | |
| 1. Monthly rental | |
| - Classroom 1/ Classroom 2/
Back room | \$204.00/month |
| - Studio | 77.00/month |
| 2. Community Room (8-10 hrs) | \$245.00/day |
| 3. Main Hall | |
| Day | |
| 1-4 hours | \$255/event/day |
| 5-8 hours | 418/event/day |
| 16 hours | 836/event/day |
| Night | |
| 6:00 pm- 1:00 am | \$1,489/event/day |
| Deposit | \$117/event |
| 4. Sound System | |
| - Deposit | \$ 61.00 / event |
| - User Fee | \$ -0- |

CONTRACT FOR COURT FINES AND FEES COLLECTION SERVICES

STATE OF GEORGIA

§

COUNTY OF HOUSTON

§

§

SECTION I. PARTIES TO THE CONTRACT

1.01 This contract, hereinafter called "Contract," is made and entered into by and between **City of Perry, Georgia**, on behalf of the Municipal Court hereinafter called "the Client" and **Perdue, Brandon, Fielder, Collins & Mott, L.L.P.**, hereinafter called "Perdue Brandon."

1.02 This Contract supersedes all prior oral and written agreements between the parties and can only be amended if done so in writing and signed by all parties. Furthermore, this Contract cannot be transferred or assigned by either party without the written consent of all parties.

1.03 The Client employs Perdue Brandon to enforce the collection of delinquent court fines, fees, and court costs pursuant to the terms and conditions described in this Contract.

1.04 Now, therefore, in consideration of the covenants, conditions and agreements hereinafter set forth, the adequacy of which is hereby acknowledged, the Client and Perdue Brandon agree as follows:

SECTION II. CLIENT'S COLLECTION OBLIGATIONS

2.01 The Client agrees to refer accounts to Perdue Brandon for collection, at minimum, on or about the first (1st) or the fifteenth (15th) of each month. The Client shall refer all delinquent accounts by electronic or magnetic medium, if available, or in any other way that is most favorable to the Client. All delinquent accounts should be in a specified format that will allow Perdue Brandon to process the account data.

2.02 An account can be referred to collection if not paid within sixty (60) days of the scheduled appearance date (if the defendant failed to appear), or from any granted extension, or from the date of conviction or judgment, or other court specified due date, provided however that no case on which a jury trial has been requested, no case within a deferral period for court ordered deferred disposition, and no case awaiting successful completion of a driving safety course shall be considered delinquent until such case results in a final conviction.

SECTION III. PERDUE BRANDON'S COLLECTION OBLIGATIONS

3.01 Perdue Brandon agrees to use its best efforts to collect the delinquent accounts received from the Client and to comply with all provisions of state and federal law and regulations promulgated pursuant thereto in the rendition of collection services contemplated by this Contract.

3.02 Perdue Brandon will make its proprietary Automated Assistant program and all the reports therein and as developed, available to the Client's designated staff, at no charge during the term of this Contract.

SECTION IV. COLLECTION FEE

4.01 The Client agrees to pay Perdue Brandon thirty percent (30%) of the total amount of fines, fees, and court costs collected on an account referred to Perdue Brandon, regardless of whether payment on the account is received by the Client or received by Perdue Brandon on Client's behalf. This payment to Perdue Brandon shall be made regardless of whether the payment is partial or in its entirety. The Client agrees that this compensation is authorized under Georgia law and is reasonable in order to effect court collections owed to this entity.

SECTION V. EXCEPTIONS TO THE COLLECTION FEE

5.01 The compensation to be paid to Perdue Brandon in Section IV. COLLECTION FEE does not apply where the defendant has been determined by the court of original jurisdiction to be indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs. Nor will the compensation apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time-served credit or community service. The Client retains the sole discretion to remove any account from Perdue Brandon's possession for any reason, without recourse and regardless of whether an account is in a payment plan or litigation. Any account removed from Perdue Brandon's possession by Client will not be subject to a collection fee once removed.

SECTION VI. METHOD OF PAYMENT

6.01 Perdue Brandon shall send to the Client and in the format required by the Client, information regarding all monies collected. Within two days after availability of funds, Perdue Brandon will forward the monies due to the Client. After the Client receives full payment for the debt owed on an account, Perdue Brandon may retain 30% of the total amount of fines, fees and court costs collected.

SECTION VII. COMMENCEMENT AND TERMINATION OF CONTRACT

7.01 This Contract is for an initial period beginning on the execution date in 2020 and ending on December 31, 2020. . Subject to the automatic renewal provisions hereafter, this Contract shall terminate absolutely without further obligation on the part of the Client on December 31 of each succeeding and renewed year, as required by O.C.G.A. § 36-60-13, as amended. After the initial period, this Contract shall automatically renew and continue in full force and effect thereafter from year to year for additional twelve-month periods on the same terms and conditions unless either party delivers written notice to the other party of its intent to terminate this Contract at least 60 days prior to each renewal date of this Contract.

7.02 Upon the receipt of 60 days' notice of termination, Perdue Brandon shall have 30 days to cure any deficiencies stated by the Client. After the opportunity to cure has expired, Perdue Brandon shall have the right to meet with the Client to determine if deficiencies have been cured to the Client's

satisfaction. If deficiencies have been cured to Client's satisfaction, this Contract will continue in full effect under the terms contained herein. If deficiencies have not been cured to Client's satisfaction, this Contract shall be terminated.

7.03 Upon termination, Perdue Brandon shall have an additional six months to complete work on all delinquent accounts referred from the Client prior to the notice of termination and will be entitled to compensation on such accounts if collected.

SECTION VIII. NOTICES

8.01 For purposes of sending notice under the terms of this Contract, all notices from the Client shall be sent to Perdue Brandon by certified United States mail, or delivered by hand or courier, and addressed as follows:

Perdue, Brandon, Fielder, Collins & Mott, LLP
Attn: Mike Darlow
1235 North Loop West, Suite 600
Houston, Texas 77008
Telephone Number: 713-862-1860

8.02 All notices from Perdue Brandon shall be sent to the Client by certified United States mail, or delivered by hand or courier, and addressed as follows:

City of Perry, on behalf of the Municipal Court
Attn: Mirian Arrington
1207 Washington Street
P.O. Box 2030
Perry, Georgia 31069
(478) 988-2814
mirian.arrington@perry-ga.gov

SECTION IX. VENUE AND CONTROLLING LAW

9.01 This Contract is made and is to be interpreted under the laws of the State of Georgia. Venue for any disputes involving this Contract shall be in the appropriate courts in Houston County, Georgia.

SECTION X. INDEPENDENT CONTRACTOR

10.01 In consideration of the terms and compensation herein stated, it is expressly agreed that Perdue Brandon is an independent contractor and not an employee, agent, partner or joint-venturer with the Client.

SECTION XI. SEVERABILITY

11.01 Every provision of this Contract is intended to be severable. If any term or provision hereof is hereafter deemed by a court of competent jurisdiction to be illegal, invalid, void or unenforceable, for

any reason or to any extent whatsoever, such illegality, invalidity, or unenforceability shall not affect the validity of the remainder of this Contract, it being intended that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the illegal, invalid, void or unenforceable provision or part thereof.

SECTION XII. INSURANCE PROVISION

12.01 During the Term, Perdue Brandon shall maintain insurance as needed to perform the requirements of this Contract.

SECTION XIII. ADVICE OF COUNSEL

13.01 The parties acknowledge, agree, represent, and warrant that they were advised to seek independent legal counsel before deciding to enter into this Contract and that they were provided an opportunity to do so and have done so and waive any claim or defense based upon their failure to seek advice of counsel.

SECTION XIV. CONSTRUCTION

14.01 This agreement was prepared after negotiations between the parties hereto, and if any ambiguity is contained herein, then in resolving such ambiguity no weight shall be given in favor of or against any party on account of its drafting this Contract. Every covenant, term, and provision of this Contract shall be construed simply according to its fair meaning.

SECTION XV. MISCELLANEOUS

15.01 Perdue Brandon and the Client shall, to the extent allowed by law, indemnify, hold harmless and defend each other against claims of liability or loss incurred by the non-offending party to the extent caused by the offending party's acts or omissions in the performance of this Contract. Such acts or omissions are expressly limited to those that constitute negligent failure, contractual misrepresentations, or willful malfeasance in performance of obligations under this Contract. Such indemnity includes any judgment against non-offending party including reasonable attorney's fees, and necessary litigation expenses related to defending the matter.

15.02 This Contract is executed by a representative of the Client who is authorized to execute this instrument. The person executing said document attests that they have authority under Georgia law to execute this document on behalf of the Client and that their signature allows Perdue Brandon to proceed with collections. This Contract may be executed in any number of counterparts, and each counterpart shall be deemed an original for all purposes. Signed facsimiles or electronically signed Contracts shall be binding and enforceable.

WITNESS the signature of all parties hereto this _____ day of _____, 2020.

CITY OF PERRY

Upon the recommendation of the Court, the governing body for the City of Perry hereby approves the contract for collections with the law firm of Perdue, Brandon, Fielder, Collins and Mott, LLP pursuant to O.C.G.A. 15-21-12.

By: _____
Randall Walker, Mayor

(Seal)

Attest: _____
Annie Warren, Clerk

PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.

By: Elizabeth Wang
For the Firm

**A RESOLUTION APPROVING MUNICIPAL COURT COLLECTIONS CONTRACT
WITH PERDUE BRANDON FIELDER COLLINS & MOTT, LLP**

WHEREAS, O.C.G.A. 15-21-12, requires that any court collections contract entered into in this City be recommended by the Court and approved by the local governing authority; and

WHEREAS, pursuant to O.C.G.A. 15-21-12, the Court has recommended a contract with Perdue Brandon Fielder Collins & Mott LLP (“law firm”) for the collection of delinquent court receivables; and

WHEREAS, the Court has executed said contract, compensating the law firm at 30% of the actual amount collected; and

WHEREAS, this collection contract will not cost the City any money, the law firm will be compensated at 30% of collections on the balance of those defendants who fail to pay in accordance with the law; and

WHEREAS, the Mayor and Council of the City of Perry, Georgia by this Resolution finds that a contract with Perdue Brandon Fielder Collins & Mott LLP for the collection of unpaid receivables owed to the City is in the best interest of the City;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERRY, GEORGIA, that with the recommendation of the Court, the Municipal Court Collections Contract for collections with the law firm of Perdue Brandon Fielder Collins & Mott LLP is hereby approved.

So resolved this ___ day of July, 2020.

CITY OF PERRY, GEORGIA

By: _____
RANDALL WALKER, MAYOR

(CITY SEAL)

Attest: _____
ANNIE WARREN, CITY CLERK



Where Georgia comes together.

The City of Perry's "Perry Presents" Application

Organization hosting event: The City of Perry Government

Event Coordinator: Nastasha "Anyia" Edgley-Turpin, Special Events Coordinator

Name of Event: Perry Presents

Date(s) of event: Friday, July 17 and August 21, 2020

Event Start & End: 7-10 PM

Event Description:

The City of Perry will be hosting a Summer Series of free Lawn Concerts at Rozar Park for the community and visitors to enjoy an evening in Perry as they kick off their weekend! Each event in this series will feature a theme (July – Hits of the 80's, August Hits of the 90's), with live music from 7-9 PM and a DJ from 9-10 PM. This will be advertised as a BYOB event – encouraging attendees to bring their own beverages (no glass containers), picnic meals, as well as seating in the form of chairs or blankets. Social distancing will be encouraged with signage.

Council Action Requested:

- Approval of event to be hosted on public property at Rozar Park
- Permission to host a BYOB event on public property at Rozar Park

City Services Requested:

Personnel/Support Requested:

- Police to provide personnel for this event to assist with event parking and security
- Fire to provide personnel for this event to assist with lighting and first aid/fire prevention
- Leisure Services to assist with general pre-event lawn maintenance and closure of pavilion/disc golf hole before and during event
- Public Works to provide personnel to set up stage, assist with pre-event setup of cattle guards, monitor trash receptacles and general post-event cleanup



Where Georgia comes together.

The City of Perry's Yoga in the Park Event Application

Organization hosting event: The City of Perry Government

Event Coordinator: Nastasha "Anyia" Edgley-Turpin, Special Events Coordinator

Name of Event: Yoga in the Park

Date(s) of event: Saturday, July 25, August 29 and September 26, 2020

Event Start & End: 9 AM - 10 AM

Event Description:

The City of Perry will be partnering with Homegrown Yoga (local to Houston County) to offer our 2nd season of FREE Yoga in the Park for the community. By offering this free special event we will be able to showcase the serene waterfront of Rozar Park to residents and visitors to Perry.

Council Action Requested:

- Approval of event to be hosted on public property at Rozar Park

City Services Requested:

Road Closures Requested:

- Not applicable to this event

Time of Road Closures:

- Not applicable to this event

Special Event Alcohol License Request:

- Not applicable to this event

Personnel/Support Requested:

- Fire Department to provide sound system for event
- Leisure Services to assist with pre-event lawn care and restroom facilities



Where Georgia comes together.

The City of Perry's "PARKFEST"

Organization hosting event: The City of Perry Government

Event Coordinator: Nastasha "Any" Edgley-Turpin, Special Events Coordinator

Name of Event: PARKFEST (Replacing the Summer at the Splash Pad)

Date(s) of event: Saturday, July 25, 2020

Event Start & End: 10 AM – 2 PM

Event Description: Creekwood Park has countless treasures including a newly expanded splash pad, walking trail, destination playground and newly constructed Traffic Park for young cyclists in training! Discover all that there is to do at Creekwood Park during PARKFEST – a day filled with free activities for all ages to enjoy!

Council Action Requested:

- Approval of event to be hosted on public property at Creekwood Park

City Services Requested:

Personnel/Support Requested:

- Fire Department to provide sound system for event (tentative)
- Leisure Services to provide staff for hosting event, cookout and general pre & post event setup/cleanup